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ABSTRACT

The 12th Annual Summer Workshop, Southeastern Community College Leadership Program, focused on "first-level managers" and on the increasing role of the courts in the day-to-day operation of the college. The first session of the workshop was a video-tape presentation entitled "Legal Implications of Personnel Management." These proceedings provide presentations made at the workshop. The first is a panel presentation "Case Law Research on Faculty Evaluation Criteria," which included the following papers: "Guidelines for Employment Policies, Contracts, and Separation Procedures for Nontenured Community College Teachers" by Dr. Ernest T. Buchanan, III; "Faculty Dismissal from the Perspective of the Practicing Attorney" by Philip S. Parsons; and "How Definitive Do Dismissal Criteria Need to Be?" by Horace M. Holderfield. The remaining presentations are: "The Community College and Criminal Courts" by Judge James E. Joanos; "Institutional Legal Context: Purpose and Objectives" by Dr. James L. Wattenbarger; "Legal Implications of Personnel Management" by Dr. W. J. Mann; and "First Level Management of the Community College" by Dr. Albert B. Smith. A Summary of Participant Feedback is provided, and the workshop participants are listed. (DB)

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Proceedings of

TWELTH ANNUAL SUMMER WORKSHOP
SOUTHEASTERN COMMUNITY COLLEGE
LEADERSHIP PROGRAM

Sponsored jointly by the
Florida State University and the
University of Florida

Legal Implications Of Personnel Management

edited by
Joyce Clampitt

Tallahassee, Florida
July 18-20, 1973

JC 730 223

ED 082723

Proceedings of

12th ANNUAL SUMMER WORKSHOP
SOUTHEASTERN COMMUNITY COLLEGE LEADERSHIP PROGRAM
LEGAL IMPLICATIONS OF PERSONNEL MANAGEMENT

Cosponsored by

The FSU/UF Center for State and Regional Leadership

Florida State University

Tallahassee, Florida 32306

University of Florida

Gainesville, Florida 32601

Tallahassee, Florida

July 18-20, 1973

PREFACE

We are proud to present this report of the proceedings of the Twelfth Annual Summer Workshop of the Southeastern Community College Leadership Program. The theme was timely; the sessions were lively; and the participants were enthusiastic and dedicated. Of special importance to us was the fact this workshop drew so many participants representing so many states. A maximum of thirty had been set as the summer program was planned; however, due to the demand, the ceiling was raised to accommodate the thirty-four officials who participated. There were seventeen states represented, ranging from Pennsylvania to Texas.

The Southeastern Community College Leadership Program (SCCLP) is nationally noted because of its unusual sponsorship. The Florida State University and The University of Florida have worked as a partnership since 1960 in providing community college leadership activities through the Program. To our knowledge, there are no other university partnerships which have been in operation for so long or been as successful.

The summer workshop is among various activities originally initiated by SCCLP with the support of a grant from the W. K. Kellogg Foundation. Under provisions of the grant, costs of the workshop as well as financial assistance to the participants was provided. A commitment was made to the W. K. Kellogg Foundation that efforts would be made to continue the program after the grant had terminated. We are pleased that the 1973 Workshop was the second self-supporting year. Participants now assume all costs of transportation and general support for the workshop. It is gratifying that the quality of summer programs have been such that the program has continued so successfully.

The range of summer workshops over the years has been broad and comprehensive. Participants at different times have represented such groups as newly appointed presidents, academic deans, business officers, administrative teams, and department or division chairmen. Themes of the summer workshop have ranged from "Management Concepts for the Community College" to "Legal

Implications of Personnel Management." We invite the reader to communicate with us for any suggestions that would relate to the planning for the summer workshop of 1974. We also, extend appreciation to Ms. Joyce Clampitt for compiling and editing these proceedings and to Mrs. Sharon Stovall and Mr. Thanom Jiwa-anun who prepared the manuscript.

James L. Wattenbarger
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The University of Florida

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Professor of Higher Education
The Florida State University

SOUTHEASTERN COMMUNITY COLLEGE LEADERSHIP PROGRAM

(Sponsored Jointly By The Florida State
University and The University of Florida)

12th Annual Summer Workshop
July 18-20, 1973
Kings Banquet Room
Ramada Inn, Tallahassee, Florida

"Legal Implications of Personnel Management"

Wednesday, July 18

12:00 non-1:00 p.m.	Registration (entrance of Kings Banquet Room)
1:30	Welcome and Goals of Workshop Dr. Louis W. Bender The Florida State University
2:00	Video-Presentation: "Legal Implications of Personnel Management"
2:30	Discussion of Video-Presentation Dr. Harold Kastner, Moderator Dr. Maurice Litton
3:00	Coffee Break
3:15	Panel Presentation: "Case Law Research on Faculty Evaluation Criteria" Dr. Ernest T. Buchanan III, Esq. Moderator Phillip Parsons, Esq. Horace Holderfield
4:00	General Discussion: Problems Clinic---Problems and Issues of Concern to Workshop Participants
4:30	Adjournment
6:00	Hospitality Hour
7:00	Banquet Introduction of Speaker: Dr. James L. Wattenbarger Speaker: The Honorable James E. Joanos, Judge, 2nd Judicial Circuit "The Community College and Criminal Courts"

Thursday, July 19

9:00 a.m.	Presentation: "Institutional Legal Context: Purpose and Objectives" Dr. James L. Wattenbarger The University of Florida
9:30	Presentation: "Legal Framework and the MBO Approach" Dr. William Mann Wm. Rainey Harper Community College
10:15	Coffee and Sweet Rolls
10:30	"Development and Techniques of MBO"
12:00 noon	Lunch
1:30 p.m.	Presentation: "First Level Management of the Community College" Dr. Al Smith The University of Florida
2:30	Coffee Break
2:45	"The Operation of MBO by Example"
4:30	Adjournment

Friday, July 20

9:00 a.m.	Presentation: "MBO as Legal/ Professional Evaluation Tool" Dr. William Mann
10:15	Coffee and Sweet Rolls
10:30	"Implimentation of MBO"
12:00 noon	Lunch
1:30	Small Group Sessions: Objective Writing Practice (Kings Banquet Room & Suite 257)
2:45	Coffee Break
3:00	Small Group Reports Dr. James L. Wattenbarger Moderator
4:00	Adjournment

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INTRODUCTION

by

Dr. Louis W. Bender

Professor of Higher Education

The Florida State University

INTRODUCTION

The program for the 1973 Workshop was developed in response to many requests from community colleges throughout the country. As we examined the correspondence, we identified two centers of concern. First, there was noticeable interest in providing a workshop activity directed toward the department and division chairmen who have been described as "First-Level Managers" of the community college. The second concern focused on the increasing role of the courts in the day to day operation of the college. The need for managers to be aware of the legal implications of decision making and the legally defensible framework for professional judgments are among the top priorities of the leaders of the two-year college.

The afternoon session on July 18 was directed toward a sensitivity of the nature of legal requirements which would enable workshop participants to place themselves into the witness chair in a court of law. A video tape prepared by the Florida State University Department of Higher Education was shown. It was followed by a discussion lead by Dr. Harold Kastner, Assistant Director of the Division of Community Colleges of the Florida Department of Education; Dr. Maurice Litton, Chairman of the FSU Department of Higher Education; and Lou Bender. The discussion was open-ended enabling participants to outline some of the situations which had confronted them in performing their professional duties or to discuss the nature of the provisions of a given institution representing the legal framework for decision making.

Two fundamental requirements were made known in the video tape presentation. The first was the imperative need for each community college to develop internal policies and procedures, formalized and publically known, within which professional judgments can be made. Faculty, for example, can not legally be evaluated at the end of an academic year for duties and responsibilities or even criteria which were not made known to them at the beginning of the year. As a result, each department or division must collectively develop procedural agreements and appropriate criteria consistent with the discipline or subject field so that all parties are equally aware of the expectations which will be made upon them.

The second requirement covered by the video tape was the insistence of the courts upon uniform and consistent record keeping. Heresay testimony is unacceptable to the court. At the same time, courts of law are extremely hesitant to substitute a judicial judgment for the professional judgment of college administrators. This is true, however, only where documentation is readily accesible and regularly maintained.

Following the video tape presentation, an informal discussion format contributed to lively and open examination of the legal requirements confronting department and division chairmen. Dr. Harold Kastner reviewed the responsibility of each institution to operate within the regulations of the state board of education or other appropriate state level policy body as well as within the statuatory provisions of the given state.

Some participants were concerned that their own institution had not made any overt effort to familiarize department and division chairmen with the laws, regulations, and even local policies of the board of trustees. Other participants were concerned with techniques which might be considered in handling anonymous complaints, confidential correspondence, presenting unfavorable evaluations to a given faculty member, and so forth. The imperative need for confidentiality in handling professional judgments of another individual as well as the requirements for due process were discussed.

Following this initial session of the workshop, (and a coffee break), a panel presentation was made on the topic: "Case Law Research on Faculty Evaluation Criteria."

Panel Presentation:

Case Law Research on Faculty Evaluation Criteria

"Guidelines for Employment Policies, Contracts, and Separation Procedures for Nontenured Community College Teachers"

by
Dr. Ernest T. Buchanan III, Esquire
Vice President for Student Affairs
The Florida State University

"Faculty Dismissal From the Perspective of the Practicing Attorney"

by
Philip S. Parsons, Esquire
Attorney at Law
Tallahassee, Florida

"How Definitive Do Dismissal Criteria Need to Be?"

by
Horace M. Holderfield
Graduate Student
FSU State and Regional Higher Education Center

GUIDELINES FOR EMPLOYMENT POLICIES, CONTRACTS, AND SEPARATION PROCEDURES FOR NONTENURED COMMUNITY COLLEGE TEACHERS

Introduction

In the recent past, the courts have on occasion held that a teacher, whether tenured or nontenured, should be protected against termination or nonretention which is arbitrary, capricious, or wholly without basis in fact by the application of the due process clause of the Fourteenth Amendment. Typical language is found in Judge Doyle's decision in Roth vs. Board of Regents of State Colleges "under the due process clause...the decision not to retain a professor employed by a state university may not rest on a basis wholly unsupported by fact". (27-979, 991) If the teacher is tenured, the courts will often find it unnecessary to reach constitutional issues and will instead demand strict adherence to existing administrative procedural safeguards. Where the teacher is nontenured, the degree of due process which is required has frequently been the subject of litigation.

When dealing with cases involving the termination or nonretention of non-tenured faculty, the courts seem to have some difficulty in determining whether the administration's actions are arbitrary or capricious and violative of the due process clause. This difficulty is caused by the courts' general reluctance to review the factual basis for, as distinguished from the procedures followed by, decisions reached by administrative agencies. Accordingly, when the "dueness" of process is not at issue, the courts tend to uphold administrative action. Roth vs. Board of Regents of State Colleges is a good example of the judicial reluctance to intervene in the institution's internal decision making process (27).

The Roth Case

Roth, hired for a fixed term of one academic year to teach at a state university, was informed without explanation that he would not be rehired for the ensuing year. A statute provided that all state university teachers would be employed initially on probation and that only after four years' continuous service would teachers achieve permanent employment "during efficiency and good behavior", with procedural protection against separation. University rules gave a nontenured teacher "dismissed" before the end of the year some opportunity for review of the "dismissal", but provided that no reason need be given for nonretention of a nontenured teacher, and no standards were specified for reemployment. Roth brought this action claiming deprivation of his Fourteenth Amendment rights, alleging infringement of (1) his free speech right because the true reason for his nonretention was his criticism of the university administration, and (2) his procedural due process right because of the university's failure to advise him of the reason for its decision. The District Court granted summary judgment for Roth on the procedural issue. The Court of Appeals affirmed.

The U.S. Supreme Court held that the Fourteenth Amendment does not require opportunity for a hearing prior to the nonrenewal of a nontenured state teacher's contract, unless he can show that the nonrenewal deprived him of an interest in "liberty" or that he had a "property" interest in continued employment, despite the lack of tenure or a formal contract. Here the nonretention of Roth, absent any charges against him or stigma or disability foreclosing other employment, is not tantamount to a deprivation of "liberty", and the terms of respondent's employment accorded him no "property" interest protection by procedural due process. The courts below therefore erred in granting summary judgment for Roth on the procedural due process issue (27).

According to William Van Alstyne, the Supreme Court "treated Roth as a special or limited appointee for one year and thus reduced his constitutionally cognizible substantive interests in reappointment to zero." (6-268) Thus, the due process clause was not operative in the non-reappointment of Professor Roth.

This holding by the United States Supreme Court demonstrates one view among the differing views of the courts on the procedural rights of non-tenured faculty. The Supreme Court's decision in Roth not only reversed the judgment of the 7th Circuit Court of Appeals, but also rejected the holding of the Federal District Court which had held that some measure of procedural due process was required in cases factually similar to Roth.

The Sindermann Case

The companion case to Roth on argument before the U.S. Supreme Court was Perry v. Sindermann (3). Perry v. Sindermann is very similar to Roth on its facts, but differs in important respects. Sindermann was employed in a state college system for 10 years, the last four as a junior college professor under a series of one-year written contracts. The Regents, the institution's governing board, then declined to renew his employment for the next year, without giving him an explanation or prior hearing. Sindermann then brought an action in the Federal District Court, alleging that the dicision not to rehire him was based on his public criticism of the college administration and thus infringed his free speech right, and that the Regents' failure to afford him a hearing violated his procedural due process right.

The Federal District Court granted summary judgment for the college, concluding that Sindermann's contract had terminated and the junior college had not adopted the tenure system. The Court of Appeals reversed on the grounds that despite the lack of tenure, nonrenewal of Sindermann's contract would violate the First Amendment if the nonrenewal was in fact based on a violation of his protected free speech rights, and that if Sindermann could show that he had an "expectancy" of reemployment, the failure to allow him an opportunity for a hearing would violate the procedural due process guarantee.

The U.S. Supreme Court held:

1. The lack of contractual or tenure right to reemployment taken alone did not defeat Sindermann's claim that the non-renewal of his contract violated his free speech right under the First and Fourteenth Amendments. The District Court therefore erred in foreclosing determination of the contested issue whether the decision not to renew was based on Sindermann's exercise of his right of free speech.

2. Though a subjective "expectancy" of tenure is not protected by procedural due process, Sindermann's allegation that the college had a de facto tenure policy, arising from rules and understandings officially promulgated and fostered entitled him to an opportunity of proving the legitimacy of his claim to job tenure. Such proof would obligate the college to afford him a hearing on his request

where he could be informed of the grounds for his non-retention and allow him to challenge the sufficiency thereof. (6, 30)

Termination Versus Nonretention

An interesting further issue, addressed in Roth and Sindermann, is the issue raised by the termination of employment during a given contract period, as contrasted with a non-reappointment at the end of a contract period. In Jones v. Hopper (16), as well as in Roth (27), McLaughlin (21) and Ferguson (10), the courts have found that where an "expectation of reemployment" existed, even though tenure had not been granted, the college was obligated to provide the teacher with procedural due process. However, a teacher who cannot show a constitutional deprivation or a valid "expectancy of reemployment" is not entitled to a hearing or a statement of cause for dismissal. Also, a series of short-term contracts, granted over a long period of time, have been held to create an "expectancy of reemployment." For example, one might examine Lucan v. Chapman (19) or Sinderman (30).

The Development of Institutional Policies and Practices

What does the Roth-Sindermann doctrine mean to the community college administrator faced with difficult nonrenewal/termination decisions? One institution has determined that much of the uncertainty in non-renewal/termination situations is caused by the failure of the institution to develop adequate policies and employment contracts. Thus, the first step was the development of new policies and contracts (Previous to the adoption of these new policies and this new contract, the initial appointment or reappointment of faculty was performed pursuant to an appointment letter from the president, a practice which is not recommended.)

A. Review of Governing Board Policy

In developing new policies and procedures, the first step was a review of the governing board's standards for nonrenewal and termination procedures, which are quoted on the following page.

* * * * * *

3.24 Termination and Nonrenewal of Faculty Appointments

Nonrenewal, Termination and Review Procedures for Nontenured Faculty Appointments

Nonrenewal of Nontenured Faculty Appointments

The president or his designee in accordance with the institution's evaluation system may choose not to renew the employment of a nontenured faculty member. The decision not to renew a faculty member's appointment may not be based on constitutionally impermissible grounds. Notice of nonreappointment or intention not to reappoint, shall be given in writing within the following time limits: not later than March 1 of the first academic year of service, if the appointment expires at the end of the year, or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination; not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, at least twelve months before the termination dates of their contracts but not later than 15 June of the academic year preceding the academic year in which they will be terminated. Interim appointees may not be guaranteed employment beyond the date of expiration of the contract.

* * * * * *

B. Contract Terms and Conditions

Pursuant to this review, this institution adopted a policy governing faculty contracts which was based on the following objectives:

1) A written contract should be adopted.
2) The contract should specify department, rank and salary.
3) The contract should clearly define the period of employment.
4) The contract should define whether or not the appointment is tenured, tenure-earning, or non-tenure-earning.
5) The contract should list any specific conditions of employment.

6) The contract should include a statement putting the faculty member on notice that an appointment may not be extended except by the person specifically authorized to do so (the academic dean). In this manner the university would be protected from being bound by an implied agreement of extension by unauthorized personnel and would also protect itself from hearings on the basis of a property interest. Additionally, the contract would include the statement that all such contracts are subject to funding limitations.

7) An implied promise of continued employment raises the possibility that a common law or _de facto_ tenure is created. To lessen a claim of _de facto_ tenure,

   a. provide written contracts each year with a specific clause saying there is no reemployment expectancy.
   b. provide notice to each employee of the termination of his contract in the middle of the school year.

C. Sample Contract

As a third step, the institution adopted the following contract.

* * * * * *

COMMUNITY COLLEGE
Office of the Dean for Academic Affairs

Date ______________________

You are hereby offered an academic position on the staff of the Community College. This document constitutes the Community College's official offer and the conditions of employment. Please read the information contained within this document and the accompanying materials and indicate your acceptance by signing below in the space provided. When signed by you and the appropriate Community College officials, this agreement constitutes your employment contract.

The appointment shall be at the rank of ____________ in the College of _______________ and in the Department of ______________________________.

__________________ $____________________________
Period of Appointment Salary for Period of Appointment

__________________%
Percent of Employment

Status of Appointment:

________ Tenured

________ Nontenured; Position under Board of Regents Policy; is eligible for consideration for tenure.

________ Nontenured; Position not eligible for consideration for tenure.

Pursuant to Board Operating Procedures, your employment may be renewed only by mutual written agreement of both parties. Notice of non-reappointment is governed by a 3.24.A.1.a (2) of the Board Operating Procedures Manual, a copy of which is attached. The aforementioned notice requirements are not applicable to temporary or interim appointees who are employed only for the specific terms covered by their contracts.

This agreement and the performance of the parties thereunder are subject to the Constitution and laws of the State, and the rules and regulations of the Board and this Community College.

This offer of employment is further subject to Section 216.311, State Statutes, a copy of which is attached.

Except as specifically provided in Board Operating Procedures, no employee of the Community College System may, directly or indirectly extend to any instructional or research faculty member any assurance of continued employment beyond the terms of the contract of employment of such faculty member.

(Signed) ____________________ ________
Dean/ Director Date

(Signed) ____________________ ________
Assistant Dean for Academic Affairs Date

Accepted: ______________________ __________
Faculty Member Date

This offer shall remain open for fifteen (15) days after receipt by you. Your acceptance shall be effected by your executing the original and two copies and returning the executed original copies to ______________ ________________________________ within the said fifteen (15) days.

No person shall, on the basis of race, color, religion, sex, age, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity at the Community College. The Community College is an affirmative action Equal Opportunity Employer.

* * * * * *

D. Midyear Considerations

The institution then developed the following midyear policy guides:

1) No nontenured faculty member should be led to believe that he will be reemployed, since an implied promise of continued tenure may raise the "de facto tenure" situation.
2) If the teacher is not to be retained, he should be warned early and given a general statement of the reasons for non-retention. Administrators are warned against giving the specific reasons for nonretention as they may thereby raise the due process issue.

E. When A Hearing Is Required

The institution also determined from a review of the case law that a hearing would be granted if one of the following conditions were met.

SIX TESTS OF WHEN A HEARING IS REQUIRED

A. A "property" interest is affected when the instructor:

1) Holds tenure.
2) Has a contract for a stated period of years and is terminated previous to the end of the contract term.

3) Has a clearly implied promise of continuing employment.
4) Has an "objective expectancy of reemployment," i.e., if practices of the college or the district leads the instructor to believe that he will be rehired--as in Sindermann--where there is no tenure system. Reference should be made to the language of Sindermann regarding expectancy of rehiring if one is a "good teacher and happy."

B. A "liberty" interest is affected by:

1) Injury to reputation, e.g., non-renewal for immorality.
2) Impacting on teacher's ability to get another job, e.g., a June non-renewal which makes it not possible to get another job.

It should generally be noted that when a case involves a free speech question, the due process clause may require the institution to hold a hearing. It is important to note that it takes more than a mere assertion by a teacher that his First Amendment rights have been infringed to get a hearing--it requires a "real dispute" to get a hearing. Thus, the board and administrators should take no official notice of extramural utterances of teachers thereby avoiding/creating a "real dispute."

F. The Hearing--Suggested Procedure

If a hearing is determined to be appropriate, fundamental fairness must be observed. Such hearing need not be so procedurally extensive as to be criminal in score. A notice of hearing, charges, and an opportunity to be heard is required. The burden is on the professor to prove his case and to disprove board or university reasons for nonrenewal (27,30).

In order to insure such fundamental fairness the AAUP has suggested the following procedural guidelines for administrators to follow. These guidelines are to be found in the AAUP's Statement on Procedural Standards in Renewal or Nonrenewal of Faculty Appointments (6-269). Basically, they are as follows:

1) The teacher should have the opportunity to be present at the hearing and respond to the stated

reasons for nonretention, as was held in Greene v. McElroy (13).

2) The teacher should be provided with "notice of the charges against him" and be given a hearing on them before being dismissed, as shown by Birnbaum (7), Lucia (20), and Gouge (14).
3) The teacher should have a tribunal which possesses both "academic expertise and impartiality towards its charges" hear his evidence. (1-363)

The institution then developed the following policy guidelines to govern the conduct of hearings.

* * * * * *

Policy Governing the Nonrenewal of Nontenured Faculty Appointments
(Adopted Pursuant to Board Operating Procedures, Section 2, 3.13)

Wherever a nontenured faculty member:

(1) alleges and supports in writing, by affidavit or other sworn statement, that the decision not to renew his or her contract of employment is based solely upon constitutionally impermissible grounds, or

(2) alleges and supports in writing, by affidavit or other sworn statement, that there exists an express or implied contract for his or her re-employment within the Community College which contract is being terminated without reason, by the Community College, the faculty member may be entitled to a hearing, conducted in accordance with the following procedures, at which hearing the affected faculty member shall be given the opportunity to prove his or her allegations under (1) or (2), above.

(3) Such allegations should be submitted in writing to the Academic Dean.

The Community College shall, within 10 days from the submission of any allegation by a faculty member under (1) or (2) above, notify the faculty member whether he or she is to be afforded a hearing under this section.

Unless otherwise agreed upon between the Community College and the faculty member, such hearing shall be a private hearing conducted by a panel of three faculty members from the Faculty Professional Relations Committee, to be appointed by the Chairman of the Committee. The faculty member shall receive notice of the hearing, shall be afforded the opportunity to present evidence and witnesses in his or her own behalf, shall be afforded the opportunity to be represented by counsel of his or her own choosing and at his or her own expense, shall be afforded the opportunity to cross-examine witnesses presented by the Community College on its behalf, and shall be entitled to notice of the decision of the hearing panel.

In any case where a hearing is to be held, the Chairman of the Faculty Professional Relations Committee shall transmit to the affected faculty member (through his or her counsel, if there is to be representation by counsel) a notice in writing of the time and place of the hearing, which hearing shall not be earlier than fourteen days nor later than thirty days from the date of the transmittal of the notice of the hearing, unless otherwise mutually agreed upon in writing between the Community College, the affected faculty member, and the Faculty Professional Relations Committee.

The Community College shall appoint, at its expense, an attorney to serve as legal advisor to the faculty hearing panel. The role of the legal advisor to the panel shall be limited to that of advising the panel regarding applicable law, rules and regulations. The legal advisor shall not be a voting member of the panel and shall not participate in the decision of the panel.

At the Community College expense, a recorded and/or written record of the proceedings shall be maintained and preserved. Such record shall include all testimonial and documentary evidence submitted to the hearing panel.

Generally, the rules of evidence shall apply in any hearings held under this section; however, strict adherence to the rules of evidence may be waived by the hearing panel when justice may require.

Any initial hearing held on a charge submitted under (2) hereinabove shall be limited to a determination whether a contract of reemployment extending beyond the period of present employment exists between the affected or charging faculty member and the Community College. If it is determined that no such contract exists, such finding shall be submitted to the President of the Community College through the Academic Dean as the finding of the hearing panel, and further proceedings shall be terminated. Should it be determined that a contract of reemployment as defined herein does exist, such a finding shall be submitted to the President through the Academic Dean as a preliminary finding of the hearing panel. If the finding of the committee is approved by the President, the Community College shall then be obligated to provide reasons for the nonrenewal of the employment of the affected faculty member, and a hearing, conducted in accordance with the procedures outlined in this section at which the affected faculty member shall have the opportunity to challenge the sufficiency of such reasons in justifying nonrenewal of his or her employment.

The entire record of each proceeding conducted in accordance with this section, together with all findings of fact and recommendations of the hearing panel shall, in each case, be filed with the President of the Community College. The President shall, after reviewing the findings of the committee, take appropriate action as provided herein; provided that the findings and recommendations of the commuttee are not binding upon the President or the Board. The President, through the Academic Dean, shall notify the affected faculty member within ten days of receiving the findings and recommendations of the committee of the final action taken by the President in the case.

* * * * * *

University officials should avoid all appearances of blacklisting an instructor. When a request is made for a reference, officials should only verify that the teacher taught at the institution and has left the institution, without mention of the instructor's reasons for terminating.

Summary

To summarize, the guidelines set forth above for due process require that where the dismissal or nonretention of a faculty member impinges upon a specific constitutional right, the state may be required to show that the teacher's exercise of such a constitutionally protected right harms a substantial public interest (6.500). Where no specific constitutional right is at issue but rather the administration's action is arbitrary, capricious, without basis in fact, or based upon no stated reason, the courts have looked to other factors such as damage to reputation and career opportunities in order to invoke the due process clause.

The Supreme Court's holding on the issue presented in Roth and Sindermann--whether a hearing is required previous to the non-retention of an untenured teacher--is neither a "Yes" or "No", but a "Maybe." Though this ruling is frustrating to the administrator, the author hopes that the explanation of the Roth-Sindermann doctrine presented herein will clear away some of the haze, and will provide guidelines for the development of administrative policies and procedures which will protect the interests of the institution, the administrator, and the teacher.

School authorities might argue that the protections emerging for nontenured faculty demand that every teacher be afforded the elaborate and time-consuming procedures formerly required only in the discharge of tenured teachers. They might also argue that the burden of preparing for, and actually conducting, numerous adversarial hearings would seriously disrupt the school's activities. For these reasons, many lawyers have suggested that administrators need to take precautionary measures before the fact to avoid the necessity of hearing proceedings before the fact.

Essentially, the guidelines which have been set forth above include providing a contract which is specific in spelling out the terms of agreement, avoiding appearances of blacklisting, ignoring criticism by teachers, and notifying teachers early if they are not to be retained. If a hearing is to be held, the AAUP has recommended that administrators follow the guidelines of giving notice of the specific reasons for nonretention, providing a hearing and allowing the teacher to respond to charges, and providing an impartial tribunal.

Even by following the above guidelines, there is no doubt that college and university administrators will, in the future, face further court action in respect to the dismissal and nonretention of nontenured faculty. At the present time there are only a few cases which indicate in whose favor future cases will be decided. Until such time as the issue is finally settled by the Supreme Court, however, it is reasonable to conclude that the rights of non-tenured faculty members in relation to termination and dismissal will primarily be decided on a case by case basis and that prudent administrators will watch the progress of such decisions and alter or amend their contracts and dismissal procedures accordingly.

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FACULTY DISMISSAL FROM THE PERSPECTIVE OF THE PRACTICING ATTORNEY

Current litigation relating to faculty dismissal has left the impression that legal challenges to dismissal are more frequent and commonplace than is really the case. For many years, there were virtually no court battles relating to faculty dismissal and although we have experienced a rash of law suits in this area in recent years, I would predict that once standards of due process in this area have been clarified, litigation will greatly subside.

It has been apparent to the courts that faculty dismissals often embody the arbitrary use of power and when this is apparent, legal challenges to dismissal will be successful. The concept of due process in our legal system will act as a deterrent to dismissals which can be described in this way.

I felt it would be useful to focus on three specific examples of faculty dismissal which will illustrate the problems involved. These include dismissals based on the grounds of immorality, insubordination, and decreased enrollment no longer justifying the services of the instructor involved.

The first of these examples illustrates a fairly blatant use of power by the community college administration involved. In this instance, the college president experienced great community pressure arising from rumors of immorality of faculty members and charges that advances had been made to female students as well as other conduct having detrimental affect upon the college. In response to this pressure, it seemed necessary to the college president that he hire a private investigator to investigate the "private life and habits" of his faculty. This action was taken without the knowledge or concurrence of the college board of trustees. After the investigation took place, a senior member of the faculty was dismissed for immorality. The basis for this charge was alleged to be that this person was living with a woman that was not his wife.

His dismissal was challenged and a hearing held pursuant to the procedures outlined in the faculty handbook of the college. During this hearing, testimony of the private investigator revealed that he had observed the faculty member's apartment on various occassions and on these occassions, a woman was seen to have entered the apartment. All reported instances were based on observations made either late at night or early in the morning and no instances were reported in which the couple were seen on the college campus or together during any activities related to the college, faculty members of the college, or students of the college. It was further demonstrated that the faculty member had been separated from his wife for many months and had, in fact, been divorced from his wife by the time of the hearing described.

After presenting his case to the board of trustees, the college president decided that the best course of action would be to terminate the proceedings and offer the faculty member a renewed position under an agreement in which the faculty member promised not to sue the college president for an invasion of privacy and damage to his professional reputation. In my opinion, this dismissal would not have withstood a court challenge because the conduct alleged bore no reasonable relationship to the legitimate concerns of the college. In addition, there was insufficient evidence to establish the charge that the faculty member had been living with a woman that was not his wife.

In the next example, the faculty member was dismissed for insubordination based on his refusal to abide by departmental policy. This faculty member was employed in a department which required that its instructors teach from materials approved and required by the department. In this instance, the course was based upon a text written by the head of the department and which had been used for many years. The student's grade was determined entirely by objective testing given to all students enrolled in the course.

The faculty member involved began to incorporate other material in his classroom instruction and refused to comply with the instruction of his department chairman to teach only from the text required.

Following this refusal, the instructor was dismissed by the department chairman and relevant administrators for insubordination. In this instance, no challenge was made by the instructor for this action.

In my opinion, the instructor's challenge would have been unsuccessful, had it been made. This would illustrate the general position of the court showing reluctance to substitute its judgment for that of the administrators in matters of educational policy. Even though we might disagree professionally with the dapartment chairman, it is very unlikely that this kind of decision will be overturned.

The final example of faculty dismissal illustrates application of the grounds described as decreased enrollment and need. This ground is frequently included in faculty handbooks and other standards for dismissal and I anticipate it will be used more frequently as colleges feel the pinch of decreased enrollments and consequent reduction in budget.

In the instance I will describe, no challenge was made to the dismissal on these grounds even though, in my opinion, the challenge could have been successful.

The instructor affected alleged that enrollment in his course dropped due to manipulations of the curriculum by the college administration. He charged that, as a science instructor, a demand for his course came generally from those students who anticipated that they would go beyond two years at the community college into upper division work. In most instances, the student required a laboratory science in order to satisfy prerequisites for upper division work. The college administrators deleted the laboratory offering in the course taught by this instructor so that students could only take this course as an elective, in order to satisfy the community college requirements, and not in satisfaction of requirements for upper division work. Consequently, students began to enroll in other science courses which would offer laboratory work and satisfaction of these prerequisites.

This instructor also charged that similar manipulations had been made in course offerings of other instructors so that the demand for their courses would also fall off and thus, grounds for dismissal could be used.

In my opinion, if it could be shown that a pattern of curriculum manipulations had taken place and that those faculty affected had known an experience of confrontation or disagreement with the administration, this could be successfully challenged as arbitrary use of power.

The foregoing examples illustrate the problem of faculty dismissal from the perspective of the person dismissed. The administrator is faced with a different problem of justifying a dismissal and documenting the charges used as grounds for dismissal so that the challenge of arbitrariness can be successfully resisted. Although the methods available to the administrators for these purposes are relatively simple, problems have arisen because administrators have generally had no formal legal training and concepts of due process are not as familiar as they could be.

The key stone to due process is generally regarded to be fairness. More specifically, fairness will generally require notice to the faculty member dismissed, an opportunity to he heard, and an impartial tribunal or review of the dismissal.

If administrators will keep these three requirements in mind, faculty dismissals need not pose a threat as currently felt.

Most colleges have improved their procedures for giving notice and an opportunity to be heard. The only recommendation I would make is that notice be given as far in advance as possible, preferably at the beginning of an academic term rather than towards the end. The court will be very influenced by an appeal made on behalf of a dismissed faculty that, at the end of the academic term, it is very difficult to find re-employment. In addition, the problem of merely defining standards and grounds of dismissal, which has been described by another speaker, is crucial to the concept of notice. Vague charges and vague ideas of standards of performance will provide a challenge to notice.

In my opinion, the greatest number of challenges to due process in faculty dismissals will arise from the lack of impartiality of the reviewing board. In many instances, the board of trustees of a college will review charges against a faculty member and give notice of the charges and notice of an opportunity to be heard; in this capacity, they act in the nature of prosecutors. The faculty member then is in a position of having to change the minds of a board who has decided that the grounds for dismissal exist rather than having an opportunity to be heard by a board who would be unfamiliar with the charges.

Florida has appointed a council known as the Professional Practices Council which provided an impartial board of review for faculty dismissals in the public schools. Unfortunately, most Florida community colleges have not utilized their services, although these would be available in hearing challenges to a faculty dismissal. This model could be used in other states and hopefully will be utilized by more community colleges in this state. In any event, if the colleges' board of trustees are to sit as a review board, it is essential, in order to preserve impartiality, that this board not review charges made prior to the hearing, so that impartiality can be established.

In conclusion, my initial remarks noted that legal challenges to faculty dismissal seemed more frequent than is really the case. If administrators will educate themselves as to the simple concepts of due process and follow the suggestions made by another speaker for clarifying the standards and grounds of dismissal, I feel that legal challenges will be much less frequent in the future.

HOW DEFINITIVE DO DISMISSAL CRITERIA NEED TO BE?

For the past two quarters another graduate student and I have made a study of dismissal criteria among 47 community/junior colleges in two states. We have analyzed the criteria of these institutions giving consideration to the degree of state-wide coordination of higher education existing in those states as well as to their statutory basis for faculty dismissal.

In order to understand how adequately defined our institutions' criteria were, we made a search of case law relative to the three most common dismissal criteria among these colleges--immorality, neglect of duty, and incompetency. We expected the case law research to indicate how definitive dismissal criteria should be.

I would like to begin my talk with a basic description of what dismissal criteria are and from what they originate. As you well know, dismissal criteria are stated in the institution's faculty handbook. They are a statement of institutional policy supported by statute. They describe impermissible behavior--impermissible by the definition of the collective members of the institution and that society which surrounds the institution.

The origin of dismissal criteria lies in the power of the legislature. The legislature will enact statutes which will provide for faculty personnel policy among state educational institutions. Within these statutes will be found a general set of dismissal criteria. The legislature gives administrative authority to a state agency to interpret these statutes through regulations, standards or guidelines to the state's educational system. The trustees and administrators of the individual institution, with possibly the input of an appropriate faculty committee, receive the state agency's regulations, tempering them with professional considerations and melding them into institutional dismissal criteria.

I have just described a three-tiered legal framework through which dismissal criteria should pass in their development before they are published in the faculty handbook. All tiers all important, but the last stage of development at the institutional level is especially important. It is here that professionally functional criteria are developed. It is at this level that the general criteria of the state are defined in order that institutional decision making might be consistent with professional ethics and the legal responsibilities of this level of personnel management.

Our study of the 47 community/junior colleges indicates that most institutions have not defined their dismissal criteria beyond the general terms or phrases given them by state agency or statute. Some institutions have only one criterion for dismissal--"good and just cause". A few colleges attempt to define "good and just cause" but their definitions are as broad and as general as their original criterion. Some colleges have developed long lists of criteria; these lists include general terms such as "good and just cause" as well as very specific criteria such as "refusal to pay debts".

Only five institutions in our study have explicit policy statements which describe impermissible behavior and outline the professional responsibility of the administrators to the faculty member who is in danger of dismissal. Policy statements from only four institutions indicated that there existed direct relationships among faculty evaluation, administrative supervision, and considerations for retention and dismissal. Our study reveals that within these two states approximately 85 per cent of the colleges surveyed are not responding to the possibilities for professional decision making at this third tier in the legal framework of dismissal criteria development.

Our case law study revealed that the three most common criteria (immorality, neglect of duty, and incompetency) are not adequate descriptors of impermissible behavior but are gross statements. The research indicated, however, that the courts could be as ambiguous as legislatures in attempting to define these terms for that particular case at hand. The _Corpus Juris Secundum_ defines immorality as "conduct inconsistent with moral rectitude" but the courts have made the word to mean "conduct which offends the morals of the community", falsifying records", "conduct bringing the teaching profession into disgrace", "setting a bad example", and "sexual misconduct". Neglect of duty has been considered "tardiness and absenteeism", "intentional failure of performance of duty", and "vulgar remarks made to a superior".

Definitions of incompetency have included "unfit mental condition", "refusal to answer questions of superiors", "refusal to be accountable for instruction", "lack of respect by community for teacher", and "lack of physical ability".

In our investigation of case law we examined approximately 200 cases from the past 30 years. The definitions I have just given you came from some of the most highly visible cases which are most often cited as precedent.

The case law research also revealed how the courts perceived dismissal criteria. The courts hesitate to overrule or exert jurisdiction over legally constituted agencies, i.e., the local institution, its trustees and administrators. The courts recognize the professional wisdom and responsibility of the local board and administrators to define their contractual relationships with their faculty. The courts realize the local institution is better prepared to make judgments about professional standards than the courts are.

The courts have been critical of ambiguous statements of tenure. They have criticized criteria by which faculty behavior was evaluated as being unclear; one court referred to its state's tenure dismissal criteria as being obscure and not really indicating reasons for dismissal.

Our search into case law indicates that the courts seek more detailed definitions of dismissal criteria than are given in the policy statements of 85 per cent of our surveyed institutions. The study also indicates that trustees or administrators at the institutional level should develop dismissal criteria which are reasonable, clear, and consistent with professional values and at the same time are consistent with judicial decisions and state statutory objectives.

The Community College
and
Criminal Courts

by

The Honorable James E. Joanos
Judge of the Second Judicial Circuit
Tallahassee, Florida

28/29

CRIME AND THE COMMUNITY COLLEGE

Mr. Master of Ceremonies, Ladies and Gentlemen:

I am most happy to be with you this night. For a long time I have been impressed with the work being done in our community colleges. The fact that every citizen of our state now has within commuting distance of his home an institution of higher education just has to be one of the great historical landmarks of our time. As a Tallahassean and being in close contact with the community college and the two universities here, I have been especially able to observe that you are doing a great job. Many of the brightest students I know are products of your institutions. It is especially heartening to know that many of them would not have had the opportunity to go on to higher education had it not been for the development of the community college system.

Unfortunately, in the past two years in my professional labors, I have also run into a number of your students and it is in this capacity that I speak to you at this time. My job is that of a criminal trial judge. In the past two years, I have been involved in nearly 1,400 felony cases. As part of my work, I have had to commit at least two hundred people to the state prison system including a number of community college students and graduates.

Sentencing

Sentencing is undoubtedly the most difficult job that a criminal trial judge has. It demands the best that the judge had in wisdom, knowledge and insight. The judge must constantly weigh the future life of the person before him with his judicial responsibility for the protection of the community. Sentencing young people to prison is especially tough. I have visited a number of the state's penal institutions and would not recommend them as places for young people to mature into adulthood. Where there are other alternatives, a judge will grasp at them. But oftentimes, either the offense is so severe or the record too cluttered to permit any other course of action. In those occasions, I have had to grit my teeth and promise myself that I would do something to help cut down on the number of young people who have to go to prison.

Prison System

My comments are not intended as criticism of our correctional people. There has been a great deal of activity in the area of penal reform. Our prisons and other facilities are much improved and the people that are running them are doing wonders with what they have. The legislature will soon hopefully provide them with more support to get their job done.

However, prisons will never be nice places in which to spend time. There will never be enough money to make that possible. We have to be more concerned with the prevention of crime rather than how to deal with it when it occurs.

Crime Problem

Crime in the United States is an extremely serious problem. From 1960 to 1970 the population in the United States increased by 13%. However, crime during the same period of time increased by 148%. Crime in general has continued to increase throughout the country. In Florida, due to a number of factors, we have shown a slight decrease for 1972 over 1971 in the overall crime or victimization rate. But--do not get overly optimistic about this. The rate as to crimes of violence increased in 1972. In the area of narcotic drug violations, the most important type of crime from a community college standpoint, total narcotic law arrests increased in 1972 over 1971 by 47.8 per cent. There were 22,338 arrests reported for narcotic drug violations. Of the total, 62.6 per cent were persons under 21 years of age.

Role of Community College

As community college administrators, you are in a position to do a great deal about crime, and you have a vested interest in doing so. Each year thousands of young people attend your campuses. Your classrooms and other campus activities occupy the major portion of their time and interests. You can do a number of things that will reduce criminal activity.

First let us talk about crime in general and what you can do and are doing about it.

Improved Law Enforcement

Crime detection and law enforcement is one of the big keys in the reduction of crime. The "fear of getting caught" is perhaps the biggest single deterrent to crime. Crime running wild will lure many otherwise well intentioned people. Not long ago, I saw this directly in the life of a young college student. He had been arrested and convicted of selling heroin. He indicated that selling heroin had become a desirable thing to him when he saw other students apparently getting away with it. Through their activities, they were able to have nice cars, clothes and money for dates, while he did without. The risk appeared to be only slight so he too began to sell. A young drug counselor from Jacksonville told me that there are places in the community where the heroin pusher occupies a position of status with his big automobile and flashy bankroll. If we cannot increase our abilities to apprehend those who violate the law, we cannot hope to reduce the temptation that turns people to crime.

The importance of improved law enforcement seems to have been acknowledged by the community colleges in Florida. I am told that at least twenty-five of our community colleges have a law enforcement or criminal justice program. Also, a number have in-service or pre-service programs for law enforcement officers. I compliment you on this and urge you to increase your efforts in this regard. Law enforcement is a complicated activity in 1973. Our police need all of the scientific knowledge they can obtain. The men have to be trained and have to have the knowledge to understand and work effectively without infringing upon the statutory and Constitutional rights of others. The question of a policeman's actions under certain circumstances has evoked long hours of legal oratory in my courts. Unfortunately, the officer on the beat did not have the time to consult lawbooks when he was deciding what to do. His decision had to be made on the spot and quickly. Our law enforcement people must have the knowledge and training in order to be effective. You are doing a good job in training law enforcement officers. But--keep it up and expand your program. There are still law enforcement agencies that do not have a single person that can collect fingerprints. There are still counties in this state where many criminals go free because the officer did something in the arrest or during a search that was contrary to law--a mistake that would not have happened if he had appropriate training. In the large majority of the cases, had the officer known the appropriate procedure, the man's rights could have been totally protected and, at the same time, a conviction obtained. Community colleges, with your facilities and the talents of your faculties located throughout the state, can do a great deal to alleviate the crime problem by training law enforcement officers.

Aid To Students

Now, let us turn our attention to what we can do directly for our students. I understand that, in recent years, the college's legal authority as a parent away from home or "in loco parentis" has been greatly diminished. Nevertheless, this does not mean that, as community college administrators, you no longer have a reason to be concerned with the welfare of your students.

Need To Police The Campus

One of the things that concerns me a great deal is an observation that was recently made to me. A close friend of mine has had experience both as a law enforcement officer and community college instructor. He stunned me with the statement that many community colleges are almost totally non-policed. In a number of college towns, the local law enforcement agencies have apparently been reluctant to be concerned with law enforcement on the campus. Their feeling has been that the campus is sort of an independent area with its own security agency looking after itself. While the police are quite enthusiastic about enforcing the law in town or away from the campus, they have gone out of their way not to interfere with activities on the campus. At the same time, it is apparently common to find that the security force on campus has been charged only with responsibility for traffic or crisis situations. I was even told that on a few campuses, it is unpopular to be concerned with ferreting out criminal activity (such as the sale of hard narcotics) because of the fear that criminal sanctions may have to be imposed upon some of the students.

If this is true, the campuses in which this situation exists are pockets of crime which are allowed to operate relatively unfettered by law enforcement. Instead of protecting the few students who might be punished by the courts, we are exposing hundred of others to an atmosphere in which the distribution of narcotics or the commission of other crimes is allowed to flourish without impediment. I wish I could tell you about each one of the many people who have say in my chambers and told me that their children's problems began when they began college and began their associations with fellow students.

If this vacuum in law enforcement exists on your campus, do something about it. Charge your campus security personnel with the responsibility for policing the campus. If you do not do that, at least make sure that the policing is being done by a local law enforcement agency. For the best interests of the largest portion of your student body, cooperate with law enforcement efforts. Make sure that pertinent information that can help to reduce crime is passed from the campus to the proper investigating agency. Silence is not always golden. As you know, it may be just plain yellow. If we are to help our students we have to be ready to do things that we ordinarily do not want to do.

Individual Problems

Most criminal activity stems from another problem. Oftentimes, the problem can be nicked in the bud before it gets full bloomed. Because of its size, the community college is in a unique position to be of help to its students. There is no reason for a student to get lost in your program. If a student is in desperate need of money, one of your faculty or staff members probably knows about it. You should have some mechanism available to get that student to the loan officer or perhaps to help get him a job if that is what is needed. You cannot just ignore the problem. Many problems arise from students who were outstanding in high school but get lost in the pack upon attaining the college level.

In order to feel important or secure in their new setting, they often turn to unusual behavior. They might "go along with the group" or turn to questionable activities in order to obtain inner satisfaction. As administrators, see that your colleges offer constructive satisfying endeavors that are within the grasp of all of your students. Be on the lookout for the student who is losing his academic interest. One of the things that I have learned in studying pre-sentence reports is that one of the earliest symptoms that a student is getting into trouble is a sudden nosedive in his level of academic work. Be on the lookout for this tell-tale sign and be prepared to do something about it before the student blows his future. Many of you pride yourself on the work of your academic counselors. I would charge you that providing your students with social counseling is just as important.

Those of you who know something about drug involvement know that usually the problem starts off in a mild way and might progress to a condition of heavy involvement or addiction. Along the way, there are numerous signs that might be seen by the observing instructor or administrator who really cares. Conduct clinics and be sure that your personnel are trained in recognizing drug problems. Be sure that you have a plan for recognizing and helping that student who is just getting into trouble before it gets completely out of control. As a trial judge, I have found that there is nothing more depressing than trying to determine what to do with a heroin addict, especially a young one. Medical cures are doubtful. They cannot be left on the street for they may do almost anything to get money for a fix. There is just no satisfactory answer. The problem with alcohol is as bad or worse. Alcoholics outnumber drug addicts by many times. One scientific test showed that 64% of the felons in one city over a two year period were, at the time of their offenses, under the influence of alcohol to an extent sufficient to reduce their inhibitions. It was estimated at one prison that 25 per cent of the inmates revealed a direct casual relationship between their crimes and alcoholism. A number of studies have revealed that as many as 60% of felony inmates and up to 80% of city and county prisoners are alcoholics or heavy drinkers.

On the first day of this month, a most important new Florida law went on the books. In addition to being able to vote and exercise the other full rights of adulthood, our eighteen, nineteen and twenty years can now legally drink. For the ones that are going to exercise that privilege, I would suggest to you that you are in a great position to help them take on that activity in a spirit of maturity. If you accept that challenge, you can greatly reduce the detrimental effects that might come their way otherwise.

Role of Educational and Vocational Training

By now, you are possibly wondering if I have lost sight of the fact that your institutions are primarily educational or vocational ones. No, not for a minute. As a criminal judge, I am quite aware that community colleges hold one of the major keys to the reduction of crime through your accomplishments in educational and vocational training. Crime can be and is being greatly reduced by your efforts in providing our citizens with the wherewithal to economically meet their reasonable needs without resorting to crime. Much of the crime in modern society is a means of avoiding frustration. An automobile with the key in the ignition is very tempting to one with no means of transportation and a need to go somewhere. I am told that 80% of the automobiles stolen were taken only for temporary use. When both parents must work and there are insufficient funds to supervise the children, they go unattended . . . often roaming the streets.

Crime is a socio-economic problem as well as an individual phenomenon. The middle class. . . the rich. . . they commit crimes, but they have no where near the same propensity to do so. Out of every ten defendants who appear before me, at least nine do not have sufficient funds to hire their own attorneys and have to have court appointed counsel. Most thieves started out by taking things that you and I have and take for granted.

It is generally a good wholesome thing in our society that we desire wealth and prestige and the power that goes with wealth. It is this competitive struggle for wealth that has driven our free enterprise system forward, that has enabled us to reach lofty levels. The Horatio Alger stories among us are legion. But keep in mind that if we are to keep that system alive . . . if hard work and activity within the framework of the law are to be alive in an individual, there must be opportunity. "When lack of ordinary opportunity is mixed with weakness of personality, of talent, or of moral values, with carelessness, limited foresight, greed, or special pressing circumstances, the inadequate are led to take what they cannot or will not earn."

Everyone needs to know the knowledge and to have the training to be gainfully employed and the opportunity to do that work. When a person has pride in his work. . . when he feels he is doing something important. . . when he can afford adequate housing and food and his other necessities. . ., the temptation to turn to crime is not nearly as great.

I commend you on your accomplishments in educational and vocational training and challenge you to do even more to see that every man and woman has the ability and training to obtain a high standard of living through honorable pursuits.

Closing

But again, in closing, I suggest to you that while education is your primary goal, keep in mind that while community colleges as institutions are increasing in importance, other institutions are not as effective as they once were in meeting the needs of people. You must now share with the family and the church the responsibility for motivating and developing character in our citizens.

One major cause for the increase in crime, as well as for the other emotional problems that are faced by our citizens, is the rapid rate of social change that is taking place about us. Mr. Toffler, in his best seller, Future Shock, points up quite vividly some of these changes. While man is moderately adjustable physically, his mental habits and emotional reactions are oftentimes not nearly as flexible. Criminal activity is just one of the problems that results. I would urge you to dedicate yourselves to helping your students meet their emotional, as well as their educational, needs. In doing so, you will not only aid in the reduction of crime, but much more importantly, you will truly enrich the quality of living to be experienced by the students that you have dedicated your lives to serving.

Institutional Legal Context:
Purpose and Objectives

by

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INSTITUTIONAL LEGAL CONTEXT:
PURPOSE AND OBJECTIVES

There is a good deal of concern in the 70's about what's happening to the balance of power in higher education. I am sure everyone is aware of the fact that the federal constitution does not mention education and, therefore, education has not been traditionally considered to be a responsibility of the federal government. That is not entirely true, however. In fact, one of the most famous cases in federal judicial history was the Dartmouth case which was specifically and directly focused upon an institution of higher education. The constitutional law that evolved from the Dartmouth case has had great influence on the development of business and industry in our country in ways that no one suspected. The chartering of corporations as entities which could not be changed subsequently by legislative whim became the foundation for the development of corporation structure in the United States. Therefore a case about Dartmouth College ended up as a landmark legal decision affecting other areas of our political and business structure. Similarly, the fact that the Constitution doesn't mention education doesn't really mean that the federal government hasn't evidenced interest in education. As a matter of fact, you are all aware of the fact that Thomas Jefferson maintained a strong and continuing interest in education. He was convinced that education was the key to the continued development of this democracy in which he had a part in developing. There has been an interest in education expressed by the federal government in a number of ways. Just as the Dartmouth case, however, has affected directly corporations, so other laws have affected education directly. For example, National Labor Relations Board decisions now affect people who work in educational institutions as well as those who work in factories and businesses.

When one analyzes the legal framework, he notes that there are six different kinds of law which affect education.

These kinds may be found both at the federal and at the state level. At the federal level, there is first of all constitutional law and the court decisions which interpret the Constitution. Changes require constitutional amendments, usually a time consuming process. Next, statutory laws which are passed by Congress and may change from time to time much more easily than the Constitution. Thirdly, there are regulations which are implementations of the law usually developed by administrative agencies. These have the same effect as law. Fourthly, there are policies which are developed by administrative agencies, or by individuals which interpret or implement a statute on a regulation. A fifth kind of law is similar, that is, procedures which have the force of law may be required--forms to fill out, for example. Finally, there are executive decisions which may be appealed but which are law until they are reversed. These constitute six kinds of laws: Constitution law, statutory law, regulations, policies, required procedures, and executive decisions. All of these have the force of law until challenged. That becomes a part of due process. One can challenge executive decisions, one can challenge policies, one can challenge required procedures, one can challenge regulations, one can challenge statutes. In fact, one often challenges the constitutional law by taking questions to the Supreme Court for decision. None of these are immutable. They are, however, things which affect each of us as an individual in a particular job.

Moving from the federal level, the same analysis may be made at the state level. In the state there is constitutional law and although most institutions of higher education are not affected directly by the Constitution, of the respective states, there are several states where the university is established through the Constitution. This tends to give these institutions some special status within the legal framework. The second type of state law is statutory law. All states have many laws which affect higher education both directly and indirectly. Thirdly, regulations in great array are developed by all kinds of state boards and agencies. Fourthly, numerous policies developed by individuals who are in administrative positions, procedures developed by boards or administrative individuals, and finally, executive decisions which may come from a department director or a governor but which has the force of law in that particular context.

Colleges have always operated under all of these laws, but as Judge Joanos pointed out last night, even though higher education operated under the laws, there has been a recognition by most legal offices that the college campus constitutes a kind of an enclave which isn't directly affected by usual legal procedures unless it is absolutely essential to apply them. There has been a wariness as well as an attempt to avoid going directly into the campus to enforce the law. The traditional concept has been that the campus, like a kingdom, has its own law, and in fact in some countries the college campus can even become a refuge. However, this attitude is becoming less and less typical. This legal enclave treatment is no longer generally accepted and even the law enforcement officers who have been reluctant to move onto a campus have been forced to take charge in many instances lately. In some instances, city and county policemen are now enforcing traffic laws on campuses, sometimes without the concurrence or permission of the college officials, but more often than not with it. We have seen the development of due process in lieu of *in loco parentis* and students are viewed not as being the children of the faculty but rather as being citizens who are affected by the same laws and in the same way as everyone else is. We have seen the development of a whole new system of relationships for the employment and dismissal of faculty moving from traditional concepts of tenure into the concepts of due process, where legal framework and legal procedures and legal steps are far more important than the traditions under which we have been accustomed to operating. This has meant that the balance of power in our institutions has changed. I believe that we should face up to the fact that this balance of power has changed and is changing. We are in a state of flux and probably will continue to be in that state of flux for some time to come. It is not going to be easy for us to define specifically and directly what our legal responsibilities and authorities may be. This is true because states differ and institutions differ. The effect of time is also an important consideration. As a result, the balance of power is changing. There are, I believe, nine influences which are currently affecting this balance of power.

First of all, when education was an elite function, when only the very rich or very politically powerful and economically influential attended higher education, it was controlled by that group of people or rather they permitted individuals to control it. They took little direct interest in the operation. They felt that if they could get their offspring into an atmosphere away from the noise of the usual day-to-day activities, leave them there for four years, that they would come out molded into some sort of a creature which would be civilized enough to take a place in society. This was done for a small percentage of youth. We didn't even consider people who were older than 25 as possible students. Higher education was a privilege for a few, for less than six percent of our population. It was a privilege for those who had either money or social position and we weren't concerned about anyone else. This is a philosophy that some people still have. In the middle 1800's, however, we began to say that higher education should be made available to those who earn it, i.e. those who have an innate capacity of some sort should have the opportunity. At this point we entered an era of meritocracy, this being those who had unusual abilities such as scholarships or could play football. Later we began to recognize other kinds of merit, other athletes as well as those who sang very well or had an unusual gift for debating. So the concept of meritocracy was no longer one that was based solely on academic achievement but other types of merit as well. This, in effect, broadened the group of people who were involved in higher education. By the early part of the twentieth century it became very obvious that we could not expect to limit higher education to a limited portion of our population. The European idea of separating the "sheep from goats" was no longer unacceptable. The position that post high school educational opportunity should be available to all people is the preferred direction, it would appear, and that has changed the balance of power. As a result, the collegiate student body has developed into an entirely different group of people composed and made up of a whole new group who are representative of the total population. Colleges have moved into the cities and into places where people are concerned with them on a day-to-day basis. The larger student body has changed the locus of control and therefore the balance of power. The second influence on the changing direction in the balance of power has been the active role of students themselves. Students have been unwilling to accept the kinds of rules and regulations and the kinds of restrictions which have been imposed upon students when only six percent of our population were educated at a higher education level. The students who attend today are thinking people who don't accept things without rationale. When they don't accept a position or a rule, they usually don't pay attention to that rule or they just refuse to attend college. Witness the fact that during this past year, colleges have been forced to become extremely concerned over declining enrollments. Students just aren't going to attend college unless we are providing them with real and relevant experiences which are valuable to them. Witness what has happened in many universities around the country which have built dormitories for student housing. The restrictions which have been common to college dormitory living are not acceptable to the students today so they live some place else or they won't attend college. Rules and regulations cannot force them to accept these restrictions if they really don't want to. So colleges have now had to make refrigerators available, hot plates available, and enforce less restrictive controls as well if they are to pay the indebtedness on the dormitories. The balance of power is changing.

The third factor that has affected the balance of power is the faculty itself. In the past the faculty have operated under the illusion that they control institutions of higher education. Now, seemingly all of a sudden, many other people are exerting control over the institution. This has upset the faculties. In retaliation and in an attempt to protect themselves in order to re-establish their "control" over higher education, they have turned to collective bargaining. In turning to these organizational procedures faculties have come under a whole new set of laws both federal and state. They have even moved out of the more traditional tenure processes into a less traditional but most equally effective due process procedures. A recent doctoral study at the University of Florida has concluded that faculties do not move to collective bargaining for salary increases; that wasn't really their major concern. Their real concern is that they felt that they had lost their influence upon the government of the institution and wanted to re-establish a way of reasserting themselves in this respect. The balance of power has changed, the faculty realize this, and they are now trying to find new devices to re-establish that balance of power in their favor.

A fourth area that has changed the balance of power is federal legislation. As we said earlier, federal government ostensibly is not concerned with education. This is not a stated responsibility of the federal government. And yet the federal government in terms of a series of laws which for the most part have been concerned with making grants for national defense purposes has influenced directly and specifically every institution in the country. By making a grant, the USOE has changed the priorities within institutions. Even when the grant funds are removed, those priorities have remained and the direction of the institution has been changed by federal largess. So federal legislation has affected the balance of power within institutions in ways that it was not even imagined it would when it was started.

A fifth area is the development of new agencies within the state. We have seen repeatedly in state after state within the past few years a reassertion of the executive authority of the governor. Governors have become quite concerned over the fact that they have lost some of the more traditional executive authorities to the legislatures or to other kinds of state agencies. And they have been attempting to pull these things back together again. Some governors have been very successful at this and others have not as yet achieved success; but generally speaking, the direction has been almost entirely increasing the executive authority. One type of executive authority through which governors have become most effective is the control over the budget. And by exerting that budgetary authority, the governors have been able to exert controls over higher education as well as other state agencies in ways which had not been true 20 or 30 years ago. This has changed the structure of the balance of power.

A whole new group of people called planners (planning agencies) has developed at the state level who determine priorities for allocating future resources. As long as they carried out their somewhat esoteric activities in a vacuum, no one worried about them. They were merely a bunch of guys sitting off in a corner thinking about "things." But then all of a sudden one discovered that the governor's budgetary agencies were believing the planners. They are doing what the planners said they ought to do. Then the legislatures began to implement the planners' planning and the planners have all of a sudden become a lot more important than people thought they were. They have a lot more influence than people figured they would have when they first started their planning processes. The new kinds of state agencies that didn't exist previously are now having great influence on the balance of power in higher education.

A sixth type of influence on higher education has been the accreditation agencies. Requirements from specialized accrediting agencies have in many instances forced presidents and faculties to spend funds in ways they did not plan to support. These requirements are often difficult to understand and/or accept but they have the force of law as far as their effect is concerned.

A seventh influence is the influence of national organizations. The American Association of Community and Junior Colleges is one of these. The American Council on Education is one of these. These are seldom negative; the community colleges in this country have grown immensely and have benefited immeasurably from the activities of the American Association of Community and Junior Colleges. The federal legislation that has been passed has been largely the result of work of the AACJC. We do have to recognize, however, that these national organizations are a part of the power structure.

The foundations have had an influence on the balance of power within institutions of higher education. The effect is indirect and is usually benevolent and productive, but it is still an effect upon the balance of power. I want to re-emphasize to you that all of the factors are not negative; they are not necessarily positive either. But they do affect how you must operate within your institution. And how you end up making decisions.

The final influence I want to mention is the influence that legislatures have had upon the operation of institutions as they have reflected the public understanding and demand for better accountability. Legislatures have required colleges to begin to operate on a programmed planned budgeting system. We must define our objectives more clearly, we must define our activities more clearly and we must define how we are going to reach those objectives. We must define the ways in which we are going to measure success more explicitly, more directly and more accurately. We must define our output.

When one looks on it, the whole power structure with which we have been familiar has changed; it's tumbled. It's changed so much that we don't even recognize it. These changes have very, very much influenced our day-to-day actions. All the six levels of law I mentioned are involved in these changes and the balance of power in American post secondary education is changed. As department chairmen you will now work in a different context. This conference is designed to help you do that.

Legal Implications
of
Personnel Management

by

Dr. W. J. Mann
Vice President for Administration
William Rainey Harper College

48/49

Legal Implications of Personnel Management

Introduction to the Legal Framework and the MBO Approach

It just makes good sense to take a positive approach to personnel management in order to prevent legal problems that may develop as a result of poor personnel practices. Many legal problems stem from inadequate or even abusive evaluation procedures and poor communication. While it is important to study due process, grievance procedures, file building, and other legal procedures, it is even more important to study the prevention of problems. The very fact that law has been developed to protect individuals from capricious actions by organizations indicates all is not well in the personnel practices area.

The Management by Objectives (MBO) portion of this program offered MBO as one possible approach to improving personnel management. Hopefully, improved personnel management techniques will reduce legal problems and provide effective procedures for dealing with legal problems before and after they develop.

The MBO outline for the presentation is shown on the next page. The outline covers the major categories that were developed during the workshop. It is hoped that participants gained several new ideas that will support positive thinking in relation to legal implications of personnel management.

A Management by Objectives bibliography is included at the end of this section in the proceedings.

Southeastern Community College Leadership Program

MBO Presentation
July 18-20, 1973

W. J. Mann

A. Management by Objectives Defined

B. Behavorial Science Theories Supporting MBO

C. Systems Theory Underlying MBO

D. Administrative Evaluation of MBO

E. Flow Chart for MBO with Operational Examples

F. Performance Appraisal with MBO

G. Proposed Timetable for Implementation

H. Objective Writing Practice Session

I. Conclusion--Do's and Don'ts of MBO

I. Management by Objectives Defined

The following section defines MBO as practiced by Harper College and highlights some of its major concepts.

A. Management by Objective Harper Style

1. A management system based upon behavioral science theories that stresses planning through the identification of a college's mission, goals, and individual objectives.
2. Major MBOHS Concepts
    a. A system for making college organizational structures function effectively.
    b. Specific statements of what is expected well in advance of the measurement of results achieved.
    c. A system that stresses ability and achievements rather than personality traits.
    d. A means to increase personal involvement in college operations.
    e. A results-oriented evaluation system that stresses individual and organizational development.

II. In the next section some of the behavioral science theories underlying MBO are described. It is very important that a given college establish its MBO program on a solid foundation of beliefs about people and organizations.

A. A Number of Behavorial Science Theories Underlying MBOHS

1. People have a natural drive toward growth and self-realization.
2. Individuals whose basic needs are taken care of do not seek a soft and secure environment. They are interested in work, challenge, and responsibility. They expect recognition and satisfying interpersonal relationships.
3. Personal growth is facilitated by a relationship which is supportive, honest, caring, and non-manipulative.
4. People have a strong desire to be evaluated and rewarded for achievements but are very

sensitive to the results and methods used to arrive at a judgment concerning their performance.

5. In a complex society, individuals place a high value on the freedom to act and be creative.
6. Work which is organized to meet people's needs as well as to achieve organizational requirements tends to produce the highest productivity and quality of production.
7. Persons in groups which go through a managed process of increasing openness about both positive and negative feelings develop a strong identification with the goals of the group and its other members. The group becomes increasingly capable of dealing constructively with potentially disruptive issues.
8. The ability to be flexible and responsive flows naturally from groups which feel a common identification and an ability to influence their environment.
9. The groups or individuals affected by decisions should share in the decision-making process if it is to be effective.
10. If everyone in the college knows to whom and for what he is responsible, the effectiveness of the organization will be increased.
11. The division of responsibility and task specialization builds effective college organization.
12. The central thrust of administration is planning and decision-making.

III. The next step shown in the following section is to develop specific concepts for a given college based upon behavioral science theories. These concepts provide a basis for organizational development.

A. A Number of Specific Concepts Supporting MBOHS

1. To create an open, problem-solving climate throughout the organization.
2. To supplement the authority associated with role or status with the persuasiveness of knowledge and competence.
3. To locate decision-making and problem-solving responsibilities as close to operational sources as possible.

4. To build trust among individuals and groups throughout the organization.
5. To make competition more relevant to work goals and to maximize collaborative efforts.
6. To develop an evaluation system that rewards the performance of individuals and assists them in a personal development program.
7. To increase the sense of "Ownership" of college objectives throughout the organization.
8. To help managers to manage according to relevant objectives rather than according to "past practices" or according to objectives which do not make sense for one's area of responsibility.
9. To increase self-control and self-direction for people within the organization through effective delegation.
10. To provide an individual and organizational development program.
11. To increase the commitment to effective planning.
12. To seek out and adopt appropriate contemporary management systems.

IV. From the MBO concepts, Harper College developed a number of programs shown in the following section designed to support and accomplish MBO at Harper College.

A. A Number of Programs Designed to Accomplish MBOHS

1. A strong initial and continuous faculty in-service training program.
2. A strong and well committed program of administrative leadership development.
3. A strong commitment to a management by objectives system of managing the institution which places emphasis on participative management and the human elements of an organization.
4. A well above average compensation and fringe benefit program for all of its employees that rewards based upon results.
5. An innovative travel fund which encourages faculty to observe or visit institutions to discover and implement new and better ways of enhancing the learning process for students.
6. A Special Projects for Educational Develop-

ment fund (SPED) which provides small sums of money for individual faculty members to pursue innovative instructional projects.

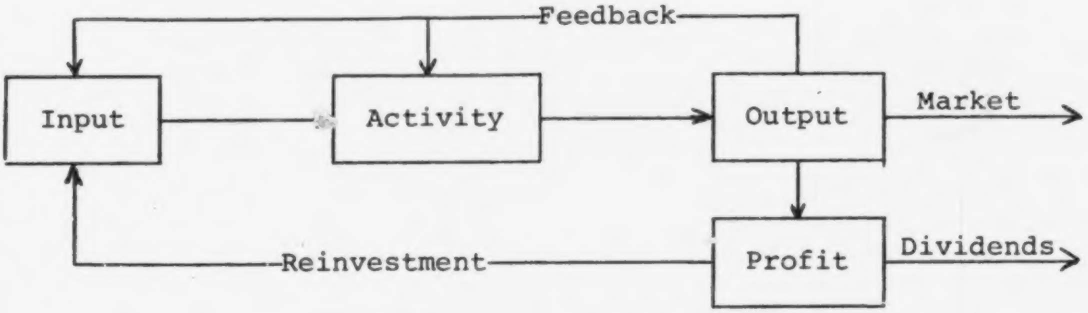
7. A budgeting system which includes responsibility for budget development and accountability for budget results at the lowest administrative decision making level.
8. The Offices of Planning and Development and Governmental Relations provide evaluation research, project consulting aid, and encourage individual research through publications and workshops.
9. Personnel policies that encourage an individual to personally and professionally develop himself to the limits of his potential and desire.
10. A computer based management information system to provide administrators and faculty access to timely, complete, comparable and comprehensive information for decision making.

V. System Theory Underlying MBO

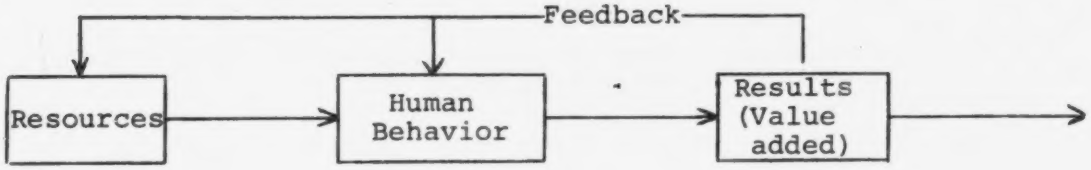
The following section illustrates the way in which organizational systems theory can be modified to accommodate MBO. It begins with the economic organization and moves to a college organization. The greatest asset--time management--is described in terms of tasks that must be done, important to be done, and nice to do. Finally, the MBO college organization is illustrated with all the major MBO elements.

MBO RATIONALE

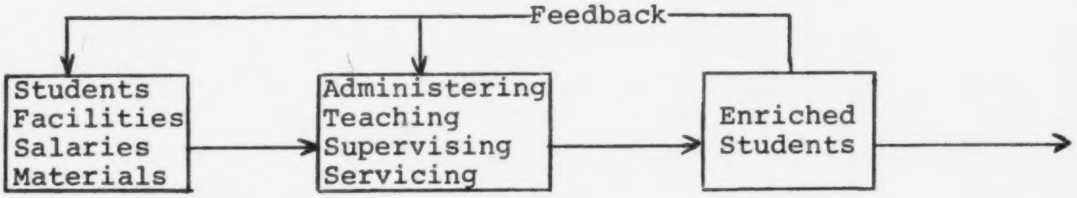
A. The Economic Organization


Feedback
Input
Activity
Output
Market
Profit
Dividends
Reinvestment

B. Generalized Organization


Feedback
Resources
Human Behavior
Results (Value added)

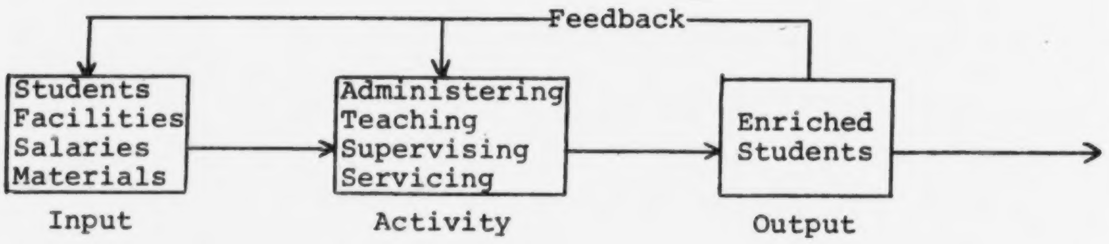
C. College Organization


Feedback
Students
Facilities
Salaries
Materials
Administering
Teaching
Supervising
Servicing
Enriched Students

D.

Resources	Human Behavior (Activities)	Results
Limited Admission standards Politics	Educational Delivery Systems: Relevance, Effectiveness Evaluation Administration & Management: Policies, Procedures Communications, Delegation Development, Planning Priorities, Teamwork Evaluation, Compensation	Value added Employment Evaluation

E. College Organization


Feedback
Students
Facilities
Salaries
Materials
Administering
Teaching
Supervising
Servicing
Enriched
Students
Input
Activity
Output

F. People Orientation

Input oriented--major effort directed to preventing expenditures

Output oriented--education or service regardless of cost

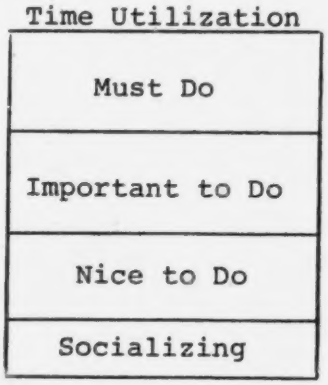
Activity oriented--the activity becomes an end in itself (efficiency vs. effectiveness)

System oriented--balanced consideration of input, output, and activities.

G. The Problem

How can the organization be helped to focus effort on output in a balanced way?

H. The Greatest Asset--Time Management


Time Utilization
Must Do
Important to Do
Nice to Do
Socializing

Time Requirements

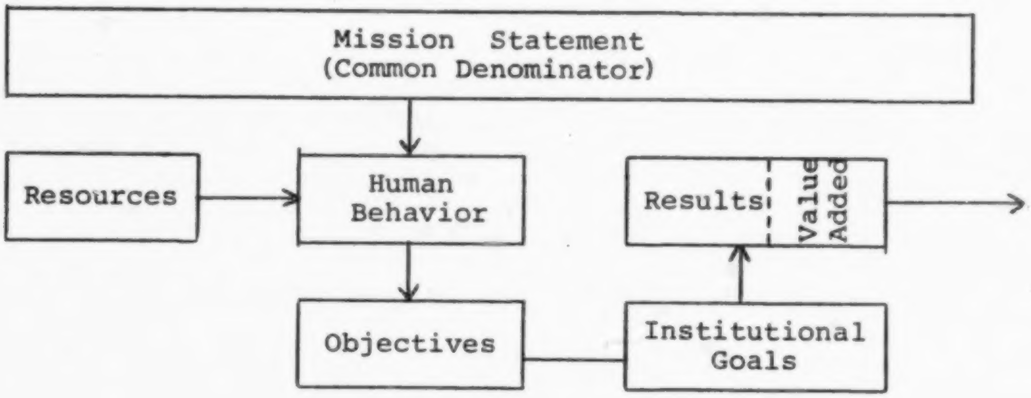
1. Boss (communication)
2. System (support requirements)
3. Self (personal value system)

Problems

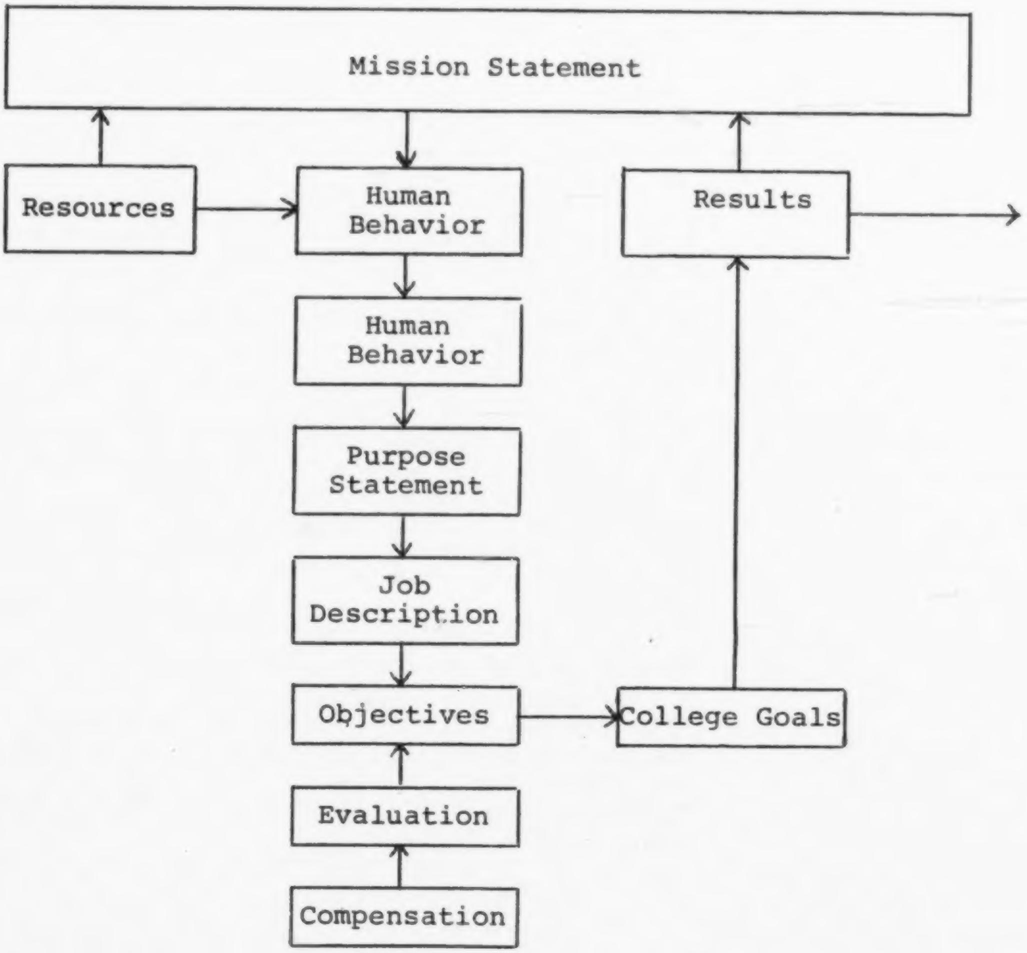
1. Important to do vs.nice to do
2. Efficiency vs. effectiveness
3. Balance

I. One Solution--MBO

MBO College Organization


Mission Statement
(Common Denominator)
Resources
Human Behavior
Results
Value Added
Objectives
Institutional Goals

J. MBO College Organization


Mission Statement
Resources
Human Behavior
Results
Human Behavior
Purpose Statement
Job Description
Objectives
College Goals
Evaluation
Compensation

VI. Administrative Evaluation of MBO

In the following section the results of a questionnaire completed by Harper College administrators is shown. It should be noted that many desirable management techniques are identified as major strengths of the MBO system at Harper College. Basically, Harper administrators accepted MBO as a desirable management process.

Evaluation of the MBO System at Harper College

Harper College conducted an evaluation of its MBO management system by having 40 of its administrators fill out a questionnaire on March 9, 1972. The questionnaire is shown in the Appendix. The purpose of the evaluation was to identify the strengths and the weaknesses of the MBO system as practiced at Harper College so that corrections could be made if needed. The instrument was developed so that any organization using MBO could conduct this same evaluation.

A. Commitment to the MBO system is high.
B. The system helps the institution define its goals.
C. It improves management and planning skills.
D. The appraisal process allows goals to be modified and new directions taken if the situation warrants.
E. Administrators seem to handle negative feedback well.
F. Harper is perceived as looking to the future.
G. Perceived individual influence is great.
H. There is a good interactive process operating for determination of goals.
I. Good coaching is received.
J. Very little close control by superiors is received.
K. Superior is perceived as being more effective as a result of MBO.
L. The superior is perceived as engaging in a high amount of planning.
M. Most perceive both themselves and their superiors as either proactive or proactive and sensitive.
N. Satisfaction for most has risen during the last year.

O. Perceived effectiveness for most has increased during the last year.
P. The vast majority feel they are fairly rated in the evaluation process.

There were some weaknesses identified which should serve as red flags which calls for some corrections before the system continues too much further. These potential problem areas are listed as follows:

A. A sizeable minority (35%) felt MBO moved the organization away from hunanness.
B. Almost half of the administrators find difficulty in writing their objectives. They find it difficult to quantify many of their responsibilities and thus these characteristically are not reflected in their finished objectives. A sizeable minority also find their finished objectives do not adequately reflect their routine duties. The Business Division seemed to have the most trouble in this regard. About a fourth of the academic administrators feel MBO stifles creativity. It is interesting to note that though many feel they are having problems writing objectives, few feel they need more or better coaching.
C. A sizeable minority feel the evaluation process is overemphasized. Almost half of the administrators feel they are evaluated on a basis other than by results (mixed between trait, behavior, and arbitrary methods). These feelings are especially pronounced in the business and the academic areas. A sizeable minority also expressed a problem in trying to summarize evaluation results during the year into one final rating. However, even with all these problems with the evaluation system, most felt they were evaluated fairly.
D. Of all the responses given describing Harper's communication system, 71 percent were negative. The problem seems to be especially acute in the student affairs and academic affairs areas.
E. When a problem arises in the Harper organization, only about half of the administrators see problem solving taking place. The others see management by blame and avoidance.

F. Almost half feel they need further job enrichment if their jobs are to continue to challenge them.

Other observations about the system are as follows:

A. About one in six express a fear that MBO induces more anxiety into the organization than is necessary.
B. Most perceive MBO as having little effect on getting agreement on priorities, on producing sufficient evaluations of the output of Harper, on improving decision making, and on better utilizing the facilities.
C. The superior has most of the control over the rating process but most administrators feel they have some input in the process.
D. While most feel there is little opportunity for promotion at Harper, most still feel they can develop further professionally on their present job.
E. When poor performance occurs on a major task, most administrators prefer to be told about it immediately and directly, or, if it involves their subordinates, they perceive themselves as giving feedback immediately and directly. However, they perceive their superior as telling them more indirectly about poor performance. On poor performance on minor tasks, administrators expect direct, immediate feedback, but they themselves give delayed and indirect feedback to the subordinates. He actually receives delayed and indirect feedback from his superior. In this area of feedback there seems to be a difference between expectations and reality.

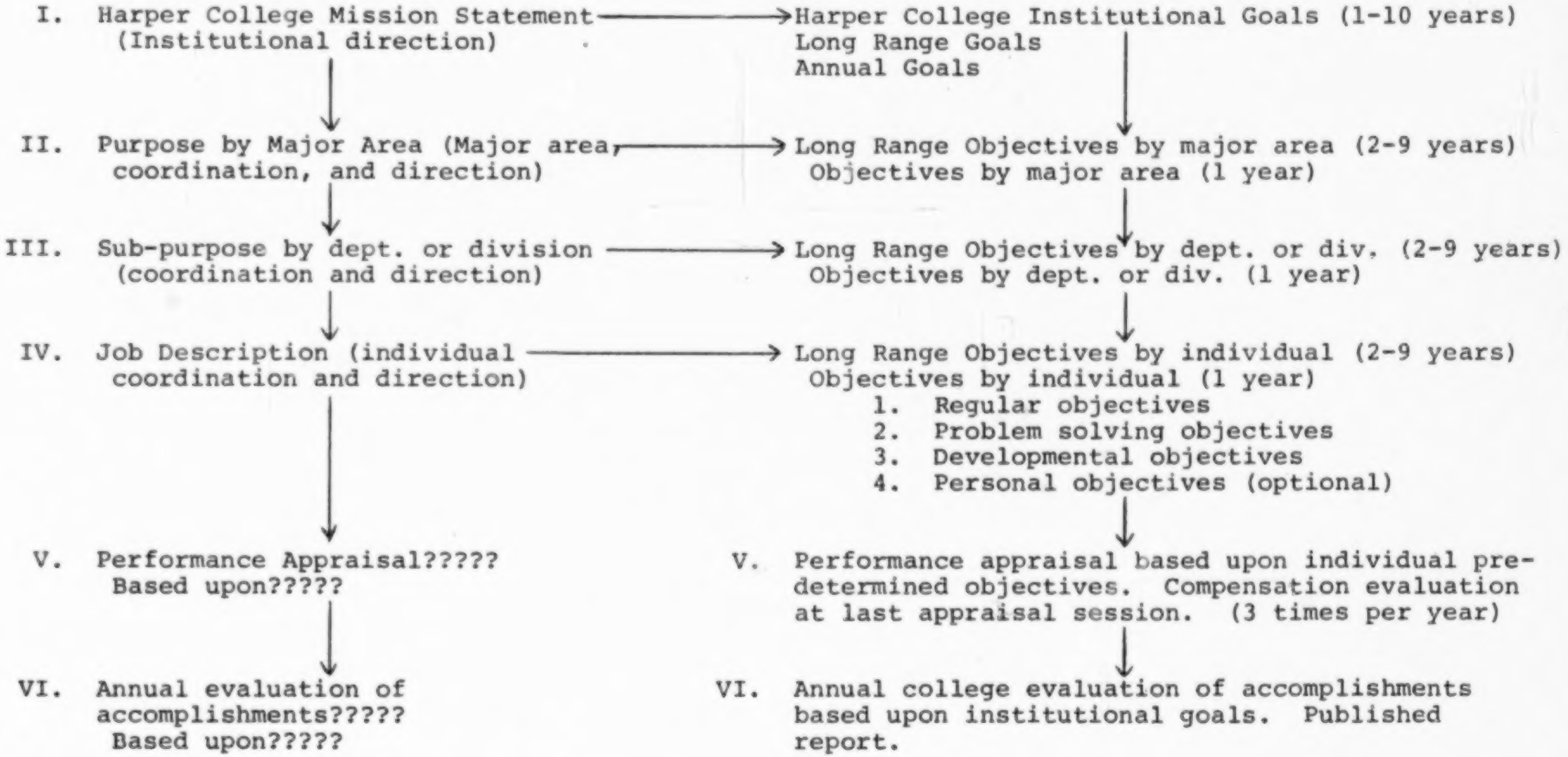
VII. Flow Chart for MBO with Operating Examples

In the following flow chart, a basic management system is illustrated in conjunction with the MBO system. The two systems are interdependent and one cannot function efficiently without the other. The defect of the basic management system is the lack of an effective evaluation system. The MBO system provides a full evaluation system based upon predetermined performance objectives. These objectives have organizational approval and are stated in measurable terms.

WILLIAM RAINEY HARPER COLLEGE

1/17/73

Management by Objectives Flow Chart



Basic Management System:

I. Harper College Mission Statement (Institutional direction)

II. Purpose by Major Area (Major area, coordination, and direction)

III. Sub-purpose by dept. or division (coordination and direction)

IV. Job Description (individual coordination and direction)

V. Performance Appraisal????? Based upon?????

VI. Annual evaluation of accomplishments????? Based upon?????

Management by Objectives System:

Harper College Institutional Goals (1-10 years)
Long Range Goals
Annual Goals

Long Range Objectives by major area (2-9 years)
Objectives by major area (1 year)

Long Range Objectives by dept. or div. (2-9 years)
Objectives by dept. or div. (1 year)

Long Range Objectives by individual (2-9 years)
Objectives by individual (1 year)
1. Regular objectives
2. Problem solving objectives
3. Developmental objectives
4. Personal objectives (optional)

V. Performance appraisal based upon individual predetermined objectives. Compensation evaluation at last appraisal session. (3 times per year)

VI. Annual college evaluation of accomplishments based upon institutional goals. Published report.

HARPER COLLEGE MISSION STATEMENT

The mission of Harper College is to provide the highest quality community college program of education designed to offer each student maximum opportunity to learn and develop, to seek out the most modern, creative and effective organizational and educational ideas, and to test, improve and implement those ideas which meet the needs of the community at a reasonable cost.

II. PURPOSE--Academic Affairs

In order to maximize each student's opportunity to learn and develop, the purpose of Academic Affairs is to provide in the most creative and effective manner possible the educational programs necessary to satisfy the educational needs of the community, including courses and programs necessary for a transfer to four-year colleges or universities; courses and programs in career area; continuing education and community services; and adequate support to these programs and the community in the Learning Resources Center.

IV. PURPOSE--Business Affairs

In order to maximize each student's opportunity to learn and develop, the purpose of Business Affairs is to provide a creative business affairs organization that operates on the basis of the latest management concepts in order to provide management information, efficient physical facilities, materials, and supportive services as its contribution to achievement of the college mission.

VICE PRESIDENT OF BUSINESS AFFAIRS

The Vice President of Business Affairs' purpose within the college mission is to provide creative business affairs organization that operates on the basis of the latest management concepts, in order to provide management information, efficient physical facilities, materials, and supportive services as its contribution to achievement of the college mission.

I. General Responsibilities

This officer:

A. Plans, coordinates, and directs the overall functions of the business affairs administrative area in accordance with the Board of Trustees' policy and as required by law.

F. Delegates sufficient authority to business affairs managers to provide the right and freedom to take necessary action to obtain results for which the manager is accountable.

G. Completes or directs special assignments as directed by the President.

II. Administrative Responsibilities

This officer:

A. Directs, coordinates and evaluates the Director of Finance's administrative area of responsibility.

WILLIAM RAINEY HARPER COLLEGE INSTITUTIONAL GOALS
1972-1973

In order to focus institutional effort and insure that Harper College plans and operates with efficiency and accountability, the college annually sets forth a list of institutional goals. These goals attempt to focus on broad areas which affect, in most cases, more than one segment of the college. It is also to be noted that some goals are carried over for more than one year because of an inherent need for consistent on-going attention and re-evaluation. Following are the major areas of concentration for achieving results during 1972-1973:

23. Broaden Continuing Education by:

    a. Increasing evening credit and non-credit offerings.

    b. Increasing upper division and graduate extension offerings.

    c. Developing a long-range funding pattern for enlargement of special education programs for women.

    d. Evaluate and expand the business-industrial management development program in keeping with the desires of commerce and industry in the Harper College district.

27. Continue to refine and review the teaching faculty evaluation system in order to yield more valid information for promotion, professional development, salary review and tenure decisions.

20. Study the feasibility of starting new career programs in the allied health and public service areas which are consistent with the needs of the community and the college's capacity.

3. Develop a plan for the implementation of a program planning budgeting system.

VICE PRESIDENT OF ACADEMIC AFFAIRS
GOALS AND OBJECTIVES, 1973-74

ROUTINE GOALS

I. Maintain a teaching faculty staff plan which includes class size, part-time to full-time ratios, student contacts per week, minimum class size and minimum enrollments per week. This objective will be considered achieved when:

  A. A class size of 26 (average) is achieved at midterm of each semester.
  B. At least 8% of all credit hours between 8:00 a.m. and 5:00 p.m. are taught by part-time instructors.
  C. The student contacts per week of each faculty member ranges from 255 to 750, depending upon discipline and program and by guidelines of each area of the college.
  D. Enrollments in new career programs (first or second year of operation) would be 25 or more students in their freshman year, and 15 or more in their sophomore year.

INNOVATIVE GOALS

II. Explore the Instructional Development Program which would provide the opportunity for individual faculty program and self development.

  A. A college model for Instructional Development has been studied by selected members of the teaching faculty and coordinator of the program. A model will be explored, developed, and adopted by March 15.
  B. When at least three faculty members have completed at least two units of instruction within the framework of the adopted mode. These units of instruction will be completed by May 15.
  C. An evaluation is made of the Instructional Development Program and a plan developed by June 15 for continuation and enlarged participation.

PROBLEM SOLVING GOALS

III. Enlarge the cooperative education experience for students in career programs. This objective will be achieved when:

A review of all career programs which could have cooperative experiences as a part of instructional effort is made and summarized by November 1.

Feb. 5, 1973

OBJECTIVES OF THE VICE PRESIDENT OF BUSINESS AFFAIRS
1972-73

I. Regular Objectives
  A. Non-academic Policy and Procedure Manual revised and approved by September 30, 1972. This objective will be considered achieved when:
    1. The manual is approved by the Executive Council.
    2. The manual is adopted by the Board of Trustees.
  B. Long-range Facilities Manual revised and approved by January 1, 1973. This objective will be considered achieved when:
    The manual is approved by the Executive Council.
  C. Completion of at least three performance interviews during the year with each manager reporting to the Vice President of Business Affairs. This objective will be considered achieved when:
    Completed performance interview forms on file.

II. Problem Solving
  Develop a plan with timetable for the completion of working drawings for Phase IIb and the remaining parts of the Campus Master Plan. This objective will be considered achieved when:
    A recommendation is made to the Executive Council by November 15, 1972.

III. Developmental
  A. Develop improved budget systems to improve accountability and a conversion to a form of PPBS. This objective will be considered achieved when:
    A proposal is presented to the Executive Council by Dec. 1, 1972
  B. Develop a budget CPM that provides for timely decisions. This objective will be considered achieved when:
    A completed budget CPM is presented to the Executive Council by Dec. 1, 1972.

VIII. Performance Appraisal with MBO

A performance appraisal session is completed two or three times each year based upon predetermined objectives. Progress is discussed and modifications are made as necessary. The following illustrates possible steps that should be covered during the interview. At the end of each year, performance categories are selected and merit compensation is awarded as appropriate. In a recent questionnaire, approximately 60% of Harper's administrators indicated they were evaluated on the results they achieve.

Performance Appraisal Interview Procedure

A. Review of Progress

1. Job Description Review

   Please review your job description to be sure it is up-to-date. Note any areas that are progressing unusually well or that need to be improved. If appropriate, suggest objectives that will return the area to its normal level.

2. College Mission and Goals

   Please review the college mission and goals to be sure the overall system relates to your area. Note any suggested changes or improvements.

3. Long-Range Objectives

   Please review the long-range objectives for your area. It is vital to our system that these goals be continually up-dated and modified to meet current circumstances. Note any additions or changes to the long-range goals.

4. Objectives

   Please review your objectives in detail so that we can review our progress to date. Note complete objectives, objectives that need modification, and new objectives that should be added.

5. Area of Responsibility

   Please review your general area of responsibility and be prepared to discuss general progress and special problems that exist.

6. General Comments

   Note any unusual circumstances that have developed since the last review, or areas that you would like to discuss.

B. Developmental Plan

   1. List personal development plans for the next period.

   2. List development plans for your area during the next period.

   3. List special problems that I can be of assistance in solving.

   4. List any special projects that you are considering and would like to discuss.

   5. List any potential future problems for discussion.

   6. General comments.

C. Qualitative Appraisal

   1. Consider your personal performance during the last period.

   2. Consider your area's performance during the last period.

   3. Consider your image during the last period.

D. Review questions a supervisor should ask appraisee.

Date of Interview________________

HARPER COLLEGE

PERFORMANCE APPRAISAL FORM

I. NAME__________________________ POSITION____________________

Date of Employment_______________ Time in Position ___________

Length of Interview____

Prior Appraisal Date____

Time under appraiser's supervision____________________________
Years Months

II. REVIEW OF PROGRESS (Note departures from or adjustments to objectives, etc.)

III. CLIMATE OF INTERVIEW

IV. DEVELOPMENTAL PLAN (List suggested improvements, personal development, suggested activities to be undertaken)

V. COMMENTS

Appraisee's Signature

Supervisor's Signature

Date

Do not complete information below until end of year interview

VI. SUMMARY APPRAISAL

arginal nsatisfactory	Generally satisfactory - improvement needed	Satisfactory - Normal Expectancy	More than satisfactory - above normal expectancy	Outstanding and/or Exceptional
☐	☐ - ☐ ☐ +	☐ - ☐ ☐ +	☐ - ☐ ☐ +	☐

COMMENTS:

IX. Proposed Timetable for MBO Implementation

The following chart illustrates the many steps involved in the implementation of MBO in a college setting. Note that several years are required to implement the system. Great care must be exercised to ensure the college as a whole is committed before the system is implemented. A carefully thought out plan and developmental program is essential. If the system is imposed, it will surely fail.

WILLIAM RAINEY HARPER COLLEGE

Proposed Timetable for Management System Implementation

Jan.	July	Oct.	Nov.	Dec.	Jan.	March	April	May	June
Management training introduce MBO system	Develop mission statement	Purpose by major area	Sub-purpose by dept.	Develop complete job descriptions	Develop practice institutional goals	Develop practice objectives by major area	Develop practice objectives by dept.	Develop practice objectives by individual	

← Use consultants during this process and as needed → (Jan. – June)

July	Dec.	Feb.	July
Adopt objectives for practice and training purposes. Complete at least two performance appraisals. Review mission, goals, purpose statements and job descriptions.	Officially adopt institutional goals for following year.	Agree upon objectives by major area, by department, and by individual.	

← Continue training with practice objectives, and complete two more performance appraisals. Review practice accomplishments with consultants. Continue management development. → (Dec. – July)

July	Aug.	Oct.	Jan.	April	May	June	July
Officially adopt objectives	Complete a performance appraisal. Review and officially adopt goals for following year.	Complete a performance appraisal.		Complete final appraisal interview	Determine individual compensation	Review institutional accomplishments and issue a report	

← Agree upon and set next year's objectives and repeat cycle. Contine management development. → (Jan. – July)

X. Objective Writing

The following section sets forth some hints on objective writing. One of the often mentioned difficulties with MBO is the writing of objectives. Actually most objectives are straight forward uncomplicated statements of fact. A tendency exists to state spectacular objectives when all that is desired is operational statements designed to focus organizational effort and provide a basis for evaluation. Some practice at objective writing with a knowledgeable consultant can be beneficial.

Hints on Objective Writing

A. A good objective is:
  1. A challenge (stretch)-(problem solving and innovative only)
  2. Specific
  3. Measurable
  4. Limited in time
  5. Attainable (realistic)
  6. A commitment between the employee and his supervisor
  7. Integrated into the organization

B. (a) Quantifying marks often used in objective measurement:
  1. Percentages
  2. Weight
  3. Ratios
  4. Numbers
  5. Dollars
  6. Time
  7. Volume

(b) For morale measurement, the following quantifying factors might be considered.
  1. Grievances
  2. Requests for transfer
  3. Absenteeism
  4. Turnover
  5. Complaints
  6. Sickness (malingering)

C. Non-Quantifiable Objective (describing condition which will exist when objective is reached)

Example: An improved system of communication with students will be implemented during the 1969-70 calendar year. This will be accomplished when:

1. An evaluation of the present system is accomplished
2. A student opinion poll is established
3. A weekly bulletin for students is implemented
4. The adequacy of student posting areas is reviewed with representatives of clubs and the student senate.

D. Goals or objectives normally fall into four (4) categories (G. Odiorne)
   1. Routine (stabilizing)
   2. Problem solving (self-healing)
   3. Creative (growth or improvement)
   4. Personal

E. Objectives Defined
   1. Routine--a repetitive, commonplace but necessary goal to which an effort is directed.
   2. Problem Solving--a performance modification which leads to the correction of a discrepancy or deficiency in the level of current performance.
   3. Creative-Development--a new and different approach which may lead to improved or expanded results.
   4. Personal--an individual effort which leads toward improvement of professional or managerial skills and the enhancement of career growth.

XI. Do's and Don'ts of MBO

The planning, initiation, and maintenance of most systems or efforts is largely dependent upon the direction and avoidance of pitfalls in commitments to and efforts expended to achieve desired results. A few of the "Do's and Don'ts" are summarized in the following section in the planning and initiation of an MBO system. These include:

A. "Do's"
   1. Get the commitment to the effort or system from the top of the organization or unit.
   2. Communicate effectively the general purpose of the effort and get a general understanding and agreement upon what is to be achieved via these efforts.
   3. Develop a realistic plan for efficient implementation and maintenance of the of the system or effort.

4. Establish or re-evaluate the formal organization of the institution or sub-unit to distinguish appropriate lines of authority and responsibility.
5. Establish descriptive, realistic job descriptions for each unit or officer that is to be included in the system.
6. Establish at least annual plans and goals for the total organization or sub-unit.
7. Involve each member of the organization or unit that is to be included within the system or effort in the establishment of institutional goals.
8. Receive appropriate inputs via positional objectives from the bottom up within the organization to culminate revised or additional institutional goals.
9. Establish communication sessions within which agreement can be reached on suggested objectives or goals.
10. Realistically and honestly evaluate progress on a scheduled basis.
11. Appropriately recognize and/or reward successes that have been achieved.
12. Create an avenue for which individual and group development can occur.

B. "Don'ts"
   1. Expect MBO to be the panacea for all problems.
   2. Continuously accelerate the demands on a manager or unit after specific objectives have been achieved.
   3. Use MBO as a sole weapon against individuals.
   4. Expect the system to maintain itself.
   5. Expect the realization or achievement of specific objectives to overshadow other duties and responsibilities of the manager that are normally a part of a specific position.
   6. Exclude any units or sub-units of an organization that understands and is desirous of becoming a part of the MBO system.
   7. Expect magic or super-human results of anyone and especially those of new managers entering an on-going system or effort.
   8. Establish unrealistic goals or objectives.
   9. Encourage an individual manager to achieve his objectives at the expense of the total organization or other managers.
   10. Fail to communicate.

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First Level Management
# of the
Community College

by

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84/85

First Level Management of the Community College

I. INTRODUCTION

"We are neither fish nor fowl!" is the way many first level managers describe their managerial roles in community colleges. This type of description by chairpersons, directors, division chairmen, and coordinators suggests that there is a need for further clarification of this managerial role in our two-year colleges. Community college faculty also appear to have very limited understandings of the chairperson's managerial role.

> The division director lives in limbo. He is unhappy, unloved, and largely ineffective.
>
> The department head position at this college exists more in name than in fact.
>
> I am sure our department chairman is busy and responsible, although at what I am not sure.

The above comments, made to me by faculty members in three Michigan community colleges, demonstrate a need for us to clarify the chairperson's managerial role or roles. Clarification of this role will benefit both the first level manager and his faculty.

I hope today to shed some light on the managerial role of first level administrators by reviewing four management principles. These are principles which I believe are essential to the successful management of community college departments. The principles are not new. I believe that each one has been supported by organizational research in education and industry. I will attempt to support each principle with research in the field of higher education or industry. The four principles are:

Principle 1. Effective first level management is achieved through the development of a sound conceptual framework for viewing departmental operations.

Paper presented at the Twelfth Annual Summer Workshop of the Southeastern Community College Leadership Program sponsored by Florida State University and the University of Florida, Tallahassee, Florida, July 19, 1973

Principle 2. Effective first level management is achieved through the development of clearly defined managerial responsibility and authority.

Principle 3. Effective first level management requires a thorough understanding of one's self as well as the abilities and limitations of others.

Principle 4. Effective first level management is best accomplished through the use of shared leadership.

My discussion of these principles will include recommendations for specific steps that you may take to put the principles into operation in your work.

II. HISTORICAL DEVELOPMENT AND RESEARCH OF THE CHAIRPERSON'S ROLE

Before discussing the managerial role of the chairperson, I believe it would be beneficial for us to examine the historical development of first level management in higher education. Such an historical analysis should also give us a better understanding of the managerial role that chairpersons can play in higher education.

The basic unit of administration in colleges and universities in the United States for more than a century has been the department.[1] Closely associated with departmental organization has been the organization of departments into divisions. The "divisional" concept has continued with us since its first inception by President Robert M. Hutchins at the University of Chicago during the second quarter of this century. The community colleges have in most cases adopted either a department or division approach to organization.

As university departments mushroomed during the decade of the 1890's the "head professor" or department chairman rapidly became a man of great importance at most of our large universities.

> The turn of the century was a time of conspicuous departmental dictatorships, probably because professors who had initially established new fields at particular institutions carried unusual influence in selecting associates....[2]

It is very unlikely that one will find many such "dictatorships" in higher education today. The rising influence of college faculties has gradually reduced the chairman's power.

Few studies are available on the chairman's role in administration during the 1910's and 20's. One of the first empirical investigations of college organizations was conducted in 1932 by Floyd W. Reeves and John D.

Russell in thirty-five private colleges. It is interesting to see that this research found the role of department heads to be exceedingly vague. My own review of some of the research conducted by Committee T of the American Association of University Professors over the last fifty years of college organization and administration reveals a neglect of the role of the department chairman. A finding in 1937 by Committee T that relatively few colleges surveyed reported department head abuses may explain the AAUP's lack of interest in the position. At that time, the problem of department head abuse of his power was considered to be one of personalities that could not be met by legislation.[3]

Regardless of this early lack of empirical research, the chairman's position continued to be viewed as the key position in departmental organization. Logan Wilson in his book The Academic Man suggested that the chairman's major problem was one of power distribution. He believed that:

> The longer and more nearly permanent the tenure of office, the more authority the head customarily assumes or is delegated.[4]

Wilson also hypothesizes that in autocratic institutions, the chairman's nominal powers are likely to be usurped by the president or dean and in democratic institutions, these powers are curtailed by other department or division members.

In 1955 J. K. Hemphill studied department reputation as a criterion of excellence of administration.[5] According to Hemphill's findings, departments that achieved reputation for good administration had chairmen who concerned themselves with: 1) initiating new ways of solving department problems and 2) developing warm, considerate relationships among faculty members.

During the 1970's, David Riesman labeled academic departments as powerful "veto groups" which were capable of crushing new disciplines.[6] While Riesman was describing the self-protective characteristics of departments, Richard Taylor was finding that chairmen in universities tended to be in the first position on their department's power hierarchy. However, Taylor found that these same chairmen were not the most powerful departmental figures in more important department policy areas such as curriculum, etc.[7] In terms of the chairman's power, David McKenna found that the chairman's reporting and budgeting activities were viewed as high power items.[8] Finally, an entertaining account of the department chairman's role was given by Theodore Caplow and Reece J. McGee in their book, The Academic Market Place.[9] Although their book was a report of an empirical study of the personnel process in 215 liberal arts departments located in nine major American universities, the authors devoted a good portion of their account to a description of the chairman's role. They reported that: 1) chairmen had an uncertain role in the hiring process 2) democratically administered departments had higher ratings than departments administered in other ways and 3) chairmen tended to throw the responsibility of unpleasant decisions to higher level administrators.

During the 1960's, the number of research projects, books, and articles on the topic of the department chairman continued to grow.[10, 11] A particularly valuable study during these years was conducted by W. W. Hill and W. L. French. This study showed that there was a positive relationship between the department chairman's power and various faculty satisfaction indices.[12] Another study by George F. Wieland and Jerald G. Bachman examined the effects of departmental characteristics on: 1) faculty satisfaction with their chairman 2) general role satisfaction and 3) loyalty to the college. Their analysis of relationships resulted in the conclusion that a chairman's influence was positively associated with faculty satisfaction with their chairman and their jobs.[13] These last two studies suggest that chairmen should seek power and influence for their departments if they themselves hope to have high faculty evaluations.

All of the research studies that I have mentioned so far dealt with the role of the four year college or university department chairmen. It is only within the last few years that the role of the community college chairman has been studied in a systematic fashion.[14, 15, 16] I will not review these studies here but merely call them to your attention. I will, however, describe in a later section of this paper my own research on the role of the community college chairman.

This brief review of the role of the chairperson in higher education does suggest that there is still a need for a more complete delineation of the chairperson's managerial role. I shall now attempt to provide such a delineation for you. This historical review of the first level manager's role also supports the view that he is a key administrator in his college's organization.

III. A CONCEPTUAL FRAMEWORK FOR VIEWING DEPARTMENTAL OPERATIONS

You will recall that I outlined four management principles that I considered essential to the effective management of your departments. I would now like to describe in some detail each of these principles. In addition to describing each principle I will suggest some ways that you could implement these principles.

Let me repeat my first management principle again:

Principle 1 - Effective first level management is achieved through the development of a sound conceptual framework for viewing departmental operations.

What I am suggesting here is that the effective first level manager is one who has developed a number of useful concepts for analyzing departmental activities. These concepts should enable him to clearly define the nature and priority of problems that confront him on a daily basis. They should also help him to study alternative problem solutions as well as the consequences of these solutions for his department.

I would recommend that you consider in the future a number of general systems theory concepts for use in studying the operation of your department. Systems theory concepts in my way of thinking are powerful managerial tools for analyzing departmental operations.

You may be asking, "What is meant by 'systems theory concepts'?" Let me explain. General systems or modern systems theory can be viewed as a broad shift in scientific perspective over the last few centuries. The shift has been from a "mechanistic" view of matter on the part of both physical and biological scientists to an "organic" or "holistic" view.[17] In contrast to the conventional "closed systems" view taken in these scientific fields, this new view describes living systems as "open systems" with input, process and outcome characteristics. The key idea is that living systems or human organizations can be studied as systems that contain measurable input, process, and outcome features.

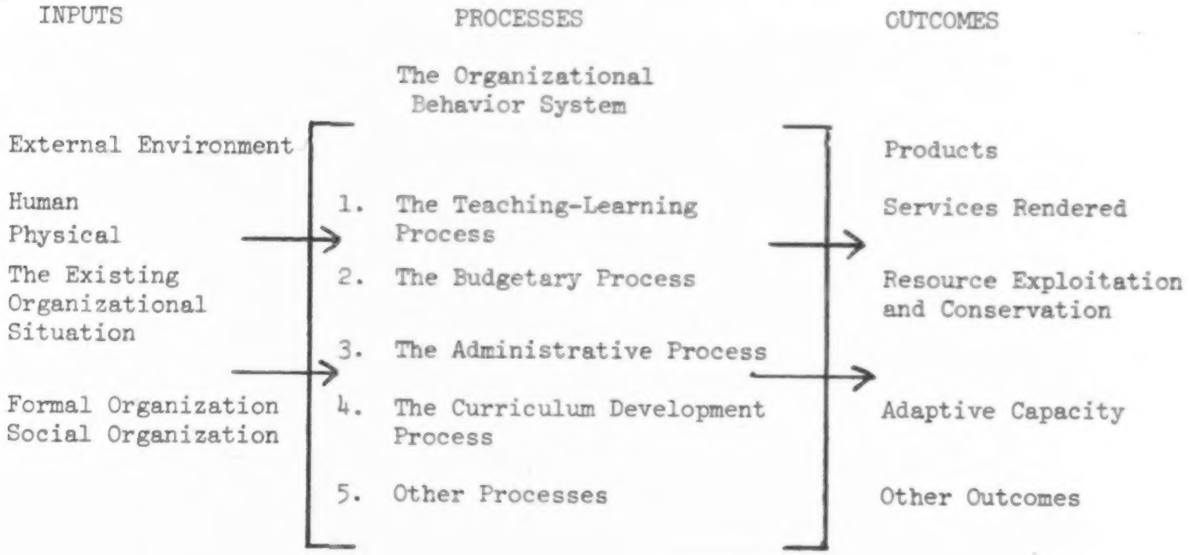
For management purposes community college departments can be viewed as "open systems" characterized by various input, processes, and outcomes. The community college department for example derives its energy from such "inputs" as students, faculty members, and financial resources. The "processes" of a community college department consists of those activities that are associated either directly or indirectly with the education of students. Finally, the outcomes of the college department range from student credit hours generated to the nature of faculty morale and satisfaction with departmental operations.

I am proposing that first level managers consider using the concepts of "system," "inputs," "processes," and "outcomes" when they think about their department's operations. The conceptual scheme,as illustrated in Figure 1, is a schematic diagram of the model that I am recommending. This conceptual framework can be used to classify the components of departmental activity as well as departmental problems. For example the budgetary process of a college department can be analyzed in terms of the key inputs to the process, the procedures used, and the effect of the process in terms of such variables as department enrollment growth or faculty morale. A departmental problem, such as the need for a new faculty member, can also be approached from a systems perspective. In order to acquire a new faculty member, the chairman must find a way to pay the staff member, he must consider how the faculty member will relate to his present staff, and finally he must weigh the qualifications of each potential candidate in terms of his department's present outcomes.

FIGURE 1

A SYSTEM THEORIST'S CONCEPTUAL MODEL FOR ANALYZING
DEPARTMENTAL MANAGERIAL OPERATIONS

THE COMMUNITY COLLEGE DEPARTMENT


INPUTS
PROCESSES
OUTCOMES
The Organizational Behavior System
External Environment
Human
Physical
The Existing Organizational Situation
Formal Organization
Social Organization
1. The Teaching-Learning Process
2. The Budgetary Process
3. The Administrative Process
4. The Curriculum Development Process
5. Other Processes
Products
Services Rendered
Resource Exploitation and Conservation
Adaptive Capacity
Other Outcomes

Input Classification Scheme

I am defining input variables as those variables which put power or energy into your departments. As an open system your department is affected by at least two types of inputs, i.e., inputs originating in either the external environment (the college environment) or existing organizational environment (the college department itself).

With such a model as this it is possible to further subdivide each of the major system categories into subcategories. For example problems originating in the external environment of a college department may be subcategorized as being either "human" or "physical" in nature. Some examples of measurable "human" input variables that may play an important part in your department's operations are: 1) student, faculty and/or administrator personality characteristics 2) student enrollment patterns and 3) student and/or teacher characteristics. Physical inputs that will receive attention in your decisions include: 1) budgetary allocations and

2) the characteristics of the department's classrooms. These are but a few examples of the many hundreds of items that I am sure you could list under the model's first input subcategory.

The "existing organizational situation" of a community college department, as depicted in Figure 1, is the second major input subcategory in this taxonomy. This subcategory may also be broken down still further. Variables identified with the existing environment of a college department can be classified as coming from either the "formal" or "social" organizational setting. Formal organization inputs in the past have included such measurable variables as: 1) a department's average class size and 2) a department's committee structure. The formal organization is defined here as those structures that have been established for carrying out the functions, purposes, and programs of the department. It is differentiated from the social organization of the department in that it has been established through policy decisions made by members of the department. The department's social organization on the other hand consists of the interpersonal relationships found among the participants in the system. Examples of some variables that could be classified under the "social organization" input category include: 1) the department's social or intellectual climate and 2) student-faculty contacts or department communication patterns.

This has been a brief description of the input classification scheme of a proposed model for viewing departmental operations. This input classification scheme will require refinement and expansion as it is implemented by department managers. I hope that it provides you with a conceptual framework for ordering the many input variables found in your department.

Process Classification Scheme

The second major category in my systems model is that of "process." A process segment of the model is defined here as "a series of actions or operations conducing to an end." Processes in the college department should be thought of as cycles of events or activities of units or subunits of the departmental system. The teaching-learning process is an excellent example of one type of process that is likely to continue to receive first level management attention. It is a process that contains numerous elements that may be studied by chairpersons in relationship to both input and/or outcome variables. Some examples of variables found in the teaching-learning process include: 1) class size 2) teaching behavior in the classroom and 3) the nature of teacher reward systems.

Other process subcategories depicted in the model include: 1) the budgetary process 2) the administrative process and 3) the curriculum development process. These processes have been outlined in the model to illustrate some potential subcategories for ordering and classifying departmental problems.

Outcome Classification Scheme

Departmental outcomes are defined here as "any final consequences or results of departmental operations." Traditionally, department outcomes in community colleges have been defined in terms of "student outcomes." Such variables as the: 1) number of student credit hours generated by a departmental faculty or 2) the grade point averages of department majors are good examples of the more traditional department outcomes. These "product" outcomes will continue to be important "success measures" for many departments. However, the proposed model suggests that there may be other outcome variables that can be used by first level managers to measure departmental effectiveness. Other outcomes that could be important to chairpersons include 1) services rendered 2) department resource exploitation and conservation and 3) the department's ability to change directions.

At a time when departments are being held more accountable for their programs, it would seem appropriate to examine some departmental outcomes that would fall under this model's "resource exploitation or conservation" subcategory. One measure of a department's conservation of its faculty resources could be the average student-credit-hour load per departmental faculty member. The fourth outcome subcategory seen in Figure 1 is the college's "adaptive" capacity. Some examples of department outcome variables that chairpersons should be aware of under this category would be: 1) the number of new programs offered by a department over a period of time or 2) the number of courses dropped by a department faculty over a period of time. A college department's ability to adapt to a changing environment may prove to be one of the more important outcome variables for first level managers to study.

This has been a brief discussion of a conceptual model that you may wish to use in viewing your own departmental operations. Hopefully, this model will assist you in thinking through your daily problems in a more systematic fashion. I believe the major strength of the model is that it provides a conceptual framework for looking at the various components of departmental activity. When used it also forces one to assess the implications of his managerial decisions in terms of departmental inputs, processes and outcomes.

IV. CLEARLY DEFINED RESPONSIBILITY AND AUTHORITY

The second management principle that I consider essential to the effective management of community college departments is as follows:

> Principle 2 - Effective first level management is achieved through the development of clearly defined responsibility and authority.

In this section I shall review a study that I conducted three years ago of the job responsibilities of department chairmen in Michigan's community colleges.[18] I will also describe a procedure that first level managers can use to clarify their job responsibilities and authority. You may want to try this procedure in your own department.

One of the major purposes of my investigation was to determine what the faculty members, chairmen, and upper echelon administrators expected of their chairmen. Twelve public two-year colleges were selected for inclusion in my research by means of a stratified random sampling plan.

A questionnaire was developed which contained forty-six job activity statements that were believed to be important job responsibilities for chairmen to perform. All of the faculty members, department chairmen, and upper echelon administrators were sent a questionnaire in the sampled colleges. A total of 836 faculty members, 108 chairmen, and forty-one upper echelon administrator questionnaires were included in the final analysis.

On the questionnaires respondents described expectations for their chairman's behavior on each of forty-six activity statements using the following response categories: (1) absolutely must, (2) preferably should, (3) may or may not, (4) preferably should not, and (5) absolutely must not.

The major findings concerning expectations for the two-year college department chairman are presented under six functional categories here. I felt that these six functional categories, which have been described by Katz and Kahn as the functions of subsystem structures, provided meaningful categories for classifying the expectations for the chairman's role.[19]

Chairman Production Responsibilities

Production items were defined as those chairman activities which would result in product outcomes, i.e., student learning, research, etc.

Table I shows the production items used and the percentage of sample respondents who felt that the department chairman either "absolutely must" or "preferably should" perform each of the job responsibilities listed.

Table I

PERCENTAGES OF SAMPLED GROUPS WHO FELT THEIR DEPARTMENT CHAIRMEN "ABSOLUTELY MUST" OR "PREFERABLY SHOULD" PERFORM SELECTED PRODUCTION ACTIVITIES

Production Activities	DF* %	DC* %	UEA* %
1. Assigns work space (offices) and facilities to faculty members.	70	80	53
2. Teaches one or more classes each term.	79	66	86
3. Assigns faculty members to teaching schedules.	69	95	85
4. Defines teaching loads for faculty members (e.g., formally equating teaching, counseling, and/or administrative duties to determine full-time equivalent positions.)	64	82	61
5. Conducts research projects.	38	39	31
6. Participates in community service projects as a representative of the department or college.	63	73	83

*The symbols used in Tables I - VI represent the groups sampled, i.e., DF = department faculty members, DC = department chairmen, and UEA = upper echelon administrators (deans, presidents, etc.).

Job activities receiving 90 per cent or more of these two responses from a sampled group were considered "highly essential" chairman activities for that group. "Essential" chairman job activities for any group were those items which elicited positive expectations from 75 to 90 per cent of the sample.

1. Both faculty members and upper-echelon administrators support the position that chairmen should teach one or more classes each quarter. Chairmen did not completely agree.

2. The percentages in Table I show that chairmen and their superiors favored the practice of having the chairman assign faculty members to teaching schedules faculty members took a less favorable position.

3. Chairmen indicated that they consider the assignment of work space and teaching work loads as essential duties. The other groups did not see these duties as being essential to the chairman's role.

4. There was a rather high consensus among chairmen, faculty, and upper echelon administrators in Michigan that chairmen need not conduct research projects.

Chairman Departmental Maintenance Responsibilities

Table II depicts the maintenance activities selected for analysis.

1. There was a high consensus that chairmen should provide orientation for new faculty members in their departments, involve faculty members in the departmental decision-making process, and evaluate faculty.

2. The counseling or advising of students and the implementation of in-service education programs for faculty members ranked as essential activities according to chairmen and their supporters. Faculty members as a group were less supportive of these two activities.

3. None of the groups surveyed felt there was any great need for chairmen to involve students in the departmental decision-making process. In light of recent trends of student participation in the governance of higher education, this was a rather disappointing and unexpected discovery.

Table II

PERCENTAGES OF SAMPLED GROUPS WHO FELT THEIR DEPARTMENT CHAIRMEN "ABSOLUTELY MUST" OR "PREFERABLY SHOULD" PERFORM SELECTED MAINTENANCE ACTIVITIES

	Maintenance Activities	DF* %	DC* %	UEA* %
7.	Counsels and/or advises students regarding departmental programs.	65	82	85
8.	Implements in-service education programs for faculty members.	67	77	85
9.	Provides orientation for new faculty members	91	97	95
10.	Involves faculty members in the decision making process of the department	94	94	100
11.	Involves students in the decision making process of the department	35	24	51
12.	Evaluates faculty members.	79	95	100
13.	Implements procedures for reviewing faculty member complaints and/or grievances.	79	79	79

* See Footnote in Table I.

Chairman's Boundary: Production Supportive Responsibilities

Katz and Kahn have defined this function as the "...procurement of materials and manpower and product disposal." Translated into chairman job activities this function would be represented by the chairman's participation in the recruitment of departmental faculty and students and his placement of community college students on jobs or in senior institutions. See Table III.

1. The chairman's participation in the recruitment of full-time faculty was viewed as a highly essential activity. Also the groups agreed that chairmen should approve all departmental purchase requests and participate in the development of departmental admission standards.

2. While upper-echelon administrators agreed that chairmen should be responsible for the maintenance and repair of equipment, chairmen and faculty members in general placed less importance on this aspect of the chairman's role. Also, faculty members were not in agreement with chairmen and other administrators who supported the position that chairmen should formulate policies relating to faculty use of materials, resources and equipment.

3. Finally, the responses of all three groups of items twenty and twenty-one suggested that the placement of students into senior institutions or jobs is an activity that is performed by someone other than the department chairman in many colleges.

Table III

PERCENTAGES OF SAMPLED GROUPS WHO FELT THEIR DEPARTMEMT CHAIRMEN "ABSOLUTELY MUST" OR "PREFERABLY SHOULD" PERFORM SELECTED BOUNDARY: PRODUCTION SUPPORTIVE ACTIVITIES

Boundary: Production Supportive Activities	DF* %	DC* %	UEA* %
14. Accepts responsibility for the maintenance and repair of laboratory and/or classroom equipment	57	64	83
15. Formulates departmental policies relating to faculty use of materials, resources and equipment.	62	82	86
16. Approves all departmental purchase requests	84	91	95
17. Participates in the recruitment of all full-time department faculty members	93	98	96
18. Recruits students for the department's programs and course offerings	48	66	64
19. Participates in the development of departmental admissions standards and procedures for evaluating applicants on these standards.	82	86	79
20. Participates in the placement of students into senior institutions.	45	36	36
21. Participates in the occupational or job placement of students	32	34	35

*See Footnote Table I.

Boundary: Institutional Supportive Function

At times it will be necessary for chairmen to obtain social support and legitimation for their departments within the college and the local community. One can see in Table IV the ways in which the chairman's various reference groups viewed this supportive activity.

1. High agreement existed among all samples that the chairman should encourage faculty to participate in conventions, conferences, etc., and that he should report departmental accomplishments to his superiors.

2. Faculty members and chairmen believed that chairmen should seek to have their departments represented on college committees. Upper-echelon administrators, perhaps viewing such activities as infringements to their roles, placed less importance on these duties.

Table IV

PERCENTAGES OF GROUPS WHO FELT THEIR DEPARTMENT CHAIRMEN "ABSOLUTELY MUST OR "PREFERABLY SHOULD" PERFORM SELECTED BOUNDARY: INSTITUTIONAL SUPPORTIVE ACTIVITIES

Boundary: Institutional Supportive Activities	DF* %	DC* %	UEA* %
22. Maintain liaisons with relevant community agencies and committees, work experience programs, and placement of graduates	67	72	82
23. Maintains liaisons with officials of senior institutions on transfer problems	81	75	71
24. Prepares a departmental public relations program with departmental course or program brochures, flyers, exhibits, etc.	68	70	77
25. Encourages faculty to participate in conventions, conferences, professional associations, etc.	90	94	90
26. Seeks to have the department represented on college committees.	85	82	70
27. Seeks a larger share of the college's funds for the department	82	65	58
28. Seeks outside funds for use in the department	52	44	48
29. Reports departmental accomplishments to his dean or immediate superior	93	92	100

*See Footnote Table I.

3. Faculty members believed that chairmen had an obligation to seek larger shares of college funds for their departments. Chairmen and upper-echelon administrators attached less importance to this supportive activity.

Chairman's Adaptation Responsibilities

With the cry for more relevant curriculum in the field of higher education, it is imperative that chairmen examine their roles as agents for change. In Table V one can see the extremely high expectations held by chairmen, faculty members, and upper-echelon administrators for all of the chairman's adaptive activities.

Table V

PERCENTAGES OF GROUPS WHO FELT THEIR DEPARTMENT CHAIRMEN "ABSOLUTELY MUST" OR "PREFERABLY SHOULD" PERFORM SELECTED ADAPTIVE ACTIVITIES

	Adaptive Activities	DF* %	DC* %	UEA* %
30.	Develops and reviews long-range departmental goals and objectives	95	98	100
31.	Plans curriculum changes with the faculty for two years or more in advance	88	95	98
32.	Reviews trends on departmental student characteristics and identifies implications for department programs	89	90	95
33.	Reviews occupational trends and identifies implications for departmental programs	84	87	93
34.	Reviews new developments in departmental subject matter in other community colleges and identifies implications for department programs	90	87	93
35.	Reviews new developments in departmental subject matter in senior institutions and identifies implications for departmental programs	90	78	86
36.	Evaluates college educational and administrative policies and/or procedures for the purpose of recommending changes	91	79	87
37.	Plans for long-range departmental equipment needs	95	96	98

*See Footnote Table I.

1. According to all groups, chairmen had the "highly" essential obligation to develop long range departmental goals and to plan for future departmental equipment needs.

2. The high percentage of affirmative responses from each of the samples on the eight adaptive activities suggested that the chairman's role in this area is an extremely important one.

Chairman's Managerial Responsibilities

As managers of human and physical resources chairmen are called upon to resolve conflicts between organizational levels, to direct their departmental subsystems, and to coordinate external departmental requirements and organizational resources and needs. Percentages reported in Table VI indicate that chairmen have an essential managerial role to play in their departments.

1. The preparation of the department's budget was viewed as a highly essential activity. All groups also agreed that the chairman should oversee the internal allocation of budget funds, resolve conflicts among department faculty members, and review statistical data related to departmental performance.

2. Faculty members deemphasized the chairman's role in approving additional class cards and in determining which departmental courses would be offered or canceled each term. Chairmen and upper-echelon administrators believed, however, that chairmen should perform these duties.

3. It was interesting to note that deans and college presidents have a greater tendency to expect their chairmen to resolve student-faculty conflicts than do department faculty or chairmen. This finding illustrated a need for further clarification of the chairman's role in the area of conflict resolution.

Table VI

PERCENTAGES OF GROUPS WHO FELT THEIR DEPARTMENT CHAIRMEN "ABSOLUTELY MUST" OR "PREFERABLY SHOULD" PERFORM SELECTED MANAGERIAL ACTIVITIES VERSUS THE CHAIRMEN'S PRESENT BEHAVIORS

	Managerial Activities	DF* %	DC* %	UEA* %
38.	Prepares the department's budget for submission to the central administration	95	96	100
39.	Oversees internal allocation of budget funds	86	90	93
40.	Resolves conflicts between the department faculty and central administration	80	82	68
41.	Resolves conflicts among the department faculty members or groups	78	88	95
42.	Resolves conflicts between students and faculty members over teaching performances, grading, assignments, etc.	61	70	91
43.	Determines department class size policies	63	79	64
44.	Approves additional class cards for departmental course or section enrollments	53	81	75
45.	Determines which departmental courses and/or sections will be offered, added, or canceled each term	71	90	81
46.	Reviews statistical data on the department (e.g., costs per student, department graduates, expenditures, room utilization, etc.) to evaluate the department's effectiveness	81	79	90

*See Footnote Table I.

Recommendations

This investigation suggests that procedures should be developed in community colleges for the purpose of defining each chairman's role. Definitions of chairman responsibilities should include input from the chairman's department faculty members, department students, the chairman, and his dean. You may wish to modify my questionnaires and see how others at your college view your responsibilities and authority. These questionnaires are designed so that you can measure not only their expectations for your role but also their perceptions of your actual role behavior.

The functional categories described here, i.e., 1) production

2) maintenance 3) boundary: production supportive 4) boundary: institutional supportive 5) adaptive and 6) managerial, provide a new conceptual framework for examining the role behavior of first line managers in community colleges. The high expectations for the chairman's adaptive activities found in the study indicate the usefulness of this new scheme and the importance of these adaptation responsibilities.

Finally, it is recommended that community colleges adopt for all their chairmen's roles those job activities which received more than a ninety per cent positive response from chairmen, faculty members, and upper-echelon administrators in this report.

V. KNOW THYSELF AND OTHERS

My third essential management principle is as follows:

> Principle 3 - Effective first level management requires a thorough understanding of one's self as well as the abilities and limitations of others.

This is probably the most important management principle for the first level manager to put into practice.

I would like to share with you an instrument that I have found helpful in my work with college deans, department faculties, and college students, the Myers-Briggs Type Indicator. The Myers-Briggs Type Indicator (MBTI) is a 166 item, self-administering questionnaire published in 1962 by the Educational Testing Service after twenty years of development. It was designed to implement Carl Jung's theory of psychological types which assumes that "much apparently random variation in human behavior is actually quite orderly and consistent, being due to certain basic differences in the way people prefer to use perception and judgment."[20] Four pairs of preferences are scored to arrive at a person's type:

Extraversion (E) -- Introversion (I): The Direction of Interest.

Does the subject's interest flow mainly to the outer world of actions, objects, and persons (E) or to the inner world of concepts and ideas (I)?

Sensing (S) -- Intuition (N): Perception.

Does the subject attach more importance to the immediate realities of direct experience (S) or to the inferred meanings relationships, and possibilities of experience (N)?

Thinking (T) -- Feeling (F): Judgment.

In making judgments, does the subject rely more on logical order and cause and effect (T) or on priorities based on personal importance and values(F)?

Judging (J) -- Perception (P): Life Style.

Does the subject prefer to live in the judging attitude systematically, planfully, deciding what needs to be done and attempting to control events (J) or in the perceptive attitude, spontaneously, curiously, awaiting events and adapting to them (P)?[21]

A person's type from this test is defined by four letters, E or I, S or N, T or F, and J or P. Sixteen possible combinations can occur when this instrument is used, each with its own set of characteristics. The columns below present some of the results of these combinations, many of which have been supported by research.

	ST	SF	NF	NT
People who prefer	SENSING + THINKING	SENSING + FEELING	INTUITION + FEELING	INTUITION + THINKING
focus their attention on	Facts	Facts	Possibilities	Possibilities
and handle these with	Impersonal Analysis	Personal Warmth	Personal Warmth	Impersonal Analysis
Thus they tend to be	Practical and matter-of-fact	Sociable and Friendly	Enthusiastic + Insightful	Logical and Ingenious
and find Scope for their abilities in	Production Construction Accounting Business Economics Law Surgery Etc.	Sales Service Customer Relations Welfare Work Nursing Gen. Practice Etc.	Research Teaching Preaching Counseling Writing Psychology Psychiatry Etc.	Research Science Invention Securities Analysis Management Pathology Etc.

In my work with the Myers-Briggs Type Indicator (MBTI), I have found a number of statistically significant relationships between college students' types and their preferences for various teaching methods.[22] In the past year teachers at the University of Florida have also reported differences among students in response to review sessions, in choice of voluntary assignments, and in reading difficulties -- and these differences have been consistent with the student's personality type. Studies of Auburn freshmen have shown differences in kinds of examinations preferred, in contact with profesors, in hours of study, and in extracurricular reading. Different types of graduate students in mathematics education hold predictable views for and against programmed learning (Intuitive students consider it too slow, Sensing types like the methodical step-by-step soundness). It appears that a major advance in the improvement of college teaching could be made rapidly by intensively studying the learning styles of students of different MBTI types. I believe that you and your faculty would find this instrument helpful in improving the match between student learning styles and instructional experiences in your department or college.

Table VII on the next page depicts a type table that teachers can construct to record the nature of student types in their classes. This particular table shows the breakdown of the University of Florida freshmen class in 1972 by the 16 MBTI categories.[23] One of the most interesting findings of this piece of research was the high percentage of students who "feel" that human likes and dislikes are more important than logic (F = 62.3%, T = 37.7%). It had been anticipated that a greater number of our students would be thinking types.

The usefulness of collecting MBTI data from departmental students becomes evident when one compares our type table for university freshmen with the type table for more specific student populations. For example Table VIII is a type table for 363 medical technology students. The percentages of students falling in each of the sixteen type categories in this table are quite different from those appearing in Table VII. While there was a fairly even distribution of Sensing (S) and Intuitive (N) types in the university freshman population, the medical technologists show a predominance of Sensing (S) over Intuitive (N) types. (S = 60.3%, N = 39.7%). There appears to be a positive selection of ISTJ, ISFJ, ESTJ, and ESFJ into the medical technology faculty program at the University of Florida. Finally, the higher percentage of Sensing (S) types in this second sample suggests that the medical technology faculty should consider developing curriculum and instruction that emphasizes the student's use of all five of his senses. Research shows that the Sensing types prefer the world of experience to the world of ideas and abstract thought.

I hope that you are beginning to see the value of collecting MBTI data from your students, faculty and your superiors. I believe that MBTI data can help you improve the curriculum and instructional experiences for students in your department as well as your understanding of people in

SOURCE OF DATA

UNIVERSITY OF FLORIDA
FRESHMEN AND TRANSFER STUDENTS
ENTERING IN SEPTEMBER, 1972

FRESHMEN TOTALS

TABLE VII

N = 2514

MBTI TYPE TABLE
Typology Laboratory
University of Florida

	SENSING TYPES with THINKING	SENSING TYPES with FEELING	INTUITIVE TYPES with FEELING	INTUITIVE TYPES with THINKING		
Males Females	**ISTJ** N = 160 % = 6.4 110 7.6 50 4.7 ======	**ISFJ** N = 168 % = 6.7 81 5.6 87 8.1 =======	**INFJ** N = 113 % = 4.5 65 4.5 48 4.5 ====	**INTJ** N = 103 % = 4.1 82 5.7 21 2.0 ====	JUDGING	INTROVERTS
Males Females	**ISTP** N = 80 % = 3.2 58 4.0 22 2.1 ===	**ISFP** N = 133 % = 5.3 77 5.3 56 5.2 =====	**INFP** N = 279 % = 11.1 157 10.9 122 11.4 ===========	**INTP** N = 127 % = 5.1 88 5.1 39 3.6 =====	PERCEPTIVE	
Males Females	**ESTP** N = 56 % = 2.2 38 2.6 18 1.7 ==	**ESFP** N = 145 % = 5.8 84 5.8 61 5.7 ======	**ENFP** N = 353 % = 14.0 175 12.1 178 16.6 ==============	**ENTP** N = 123 % = 4.9 74 5.1 49 4.6 =====	PERCEPTIVE	EXTRAVERTS
Males Females	**ESTJ** N = 190 % = 7.6 103 7.1 87 8.1 ========	**ESFJ** N = 210 % = 8.4 95 6.6 115 10.7 ========	**ENFJ** N = 165 % = 6.6 83 5.8 82 2.6 =======	**ENTJ** N = 109 % = 4.3 71 4.9 38 3.5 ====	JUDGING	

ST	486	19.3%	I--J	544	2.16%	E	1351	53.7%	T	948	37.7%
SF	656	26.1%	I--P	619	24.6%	I	1163	46.3%	F	1566	62.3%
NF	910	36.2%	E--P	677	26.9%	S	1142	45.4%	J	1218	48.4%
NT	462	18.4%	E--J	674	26.8%	N	1372	54.6%	P	1296	51.6%

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SOURCE OF DATA:
UF Typology Laboratory
Data Collected 1972-73
by R. Williams and
C. Bowling

TABLE VIII

363 MEDICAL TECHNOLOGISTS

STUDENTS, FACULTY & PRACTITIONERS

MBTI TYPE TABLE
Typology Laboratory
University of Florida

SENSING TYPES		INTUITIVE TYPES		
with THINKING	with FEELING	with FEELING	with THINKING	
ISTJ N = 39 % = 10.74	**ISFJ** N = 43 % = 11.86	**INFJ** N = 13 % = 3.58	**INTJ** N = 16 % = 4.41	INTROVERTS JUDGING
ISTP N = 8 % = 2.20	**ISFP** N = 24 % = 6.61	**INFP** N = 25 % = 6.89	**INTP** N = 10 % = 2.75	INTROVERTS PERCEPTIVE
ESTP N = 8 % = 2.20	**ESFP** N = 18 % = 4.96	**ENFP** N = 20 % = 5.51	**ENTP** N = 21 % = 5.79	EXTRAVERTS PERCEPTIVE
ESTJ N = 37 % = 10.19	**ESFJ** N = 42 % = 11.57	**ENFJ** N = 16 % = 4.41	**ENTJ** N = 21 % = 6.34	EXTRAVERTS JUDGING

ST	92	25.34%	I--J	111	30.58%	E	185	50.96%	T	162	44.63%
SF	127	35.00%	I--P	67	18.46%	I	178	49.03%	F	201	55.37%
NF	74	20.39%	E--P	67	18.46%	S	219	60.33%	J	229	63.09%
NT	70	19.28%	E--J	118	32.51%	N	144	39.67%	P	134	36.91%

general. It can also help you to achieve a better understanding of your own preferences.

Just in case I have not convinced you, let me show you some data that a colleague of mine has collected on the characteristics of two different Florida community college faculties.[24] Tables IX and X show the Myers-Briggs Types for faculty from two different colleges. While total faculties are not represented in these tables, one can see how different faculties could be across college departments. Note that in Table IX, 29.6% of the faculty sampled were ENFP types and only 7.4% were ESTJ types. In College B, however, only 7.5% of the faculty sampled were ENFP types, while 20% were ESTJ's. A leader working with these two groups would probably need to be more concerned with people's feelings in the College A group than in the College B group when making decisions. In the College A group 66.6% of the faculty were feeling types while only 42.% of the faculty were feeling types in College B.

A first line manager needs to know the people that he works with. The MBTI is a powerful tool that can be used by you to improve your relations with your dean and your department faculty members. It is also a helpful instrument for improving faculty interpersonal relationships, student interpersonal relationships and student-faculty relationships.

VI. SHARED LEADERSHIP

The fourth and final management principle that I would recommend to you reads as follows:

> Principle 4 - Effective first level management is best accomplished through the use of shared leadership.

Here I am merely suggesting that the successful chairperson is likely to be the one who assumes a democratic leadership role. I would like to return to my research findings in Michigan. In this study I attempted to answer the following questions: 1) What is the relationship between the chairman's administrative style and such departmental outcomes as faculty evaluations of the chairman, department faculty cohesiveness, and faculty satisfaction with the way their department functioned? 2) What is the relationship, if any, between the amount of role consensus or chairman role conformity to departmental outcomes? and 3) How is the amount of influence exerted by department faculty members, students, or the chairman related to departmental outcomes?

A total of seventy-one departments were selected from the twelve colleges on the basis of department faculty questionnaire response rates. Completed and usable questionnaires had to be received from fifty per cent

SOURCE OF DATA:

MBTI TYPE TABLE
Typology Laboratory
University of Florida

TABLE IX

College A

SENSING TYPES		INTUITIVE TYPES		
with THINKING	with FEELING	with FEELING	with THINKING	
ISTJ N = 3 % = 11.1 M M F	**ISFJ** N = 1 % = 3.7 F	**INFJ** N = 2 % = 7.4 F F	**INTJ** N = 0 % = 0.0	INTROVERTS JUDGING
ISTP N = 0 % = 0.0	**ISFP** N = 0 % = 0.0	**INFP** N = 2 % = 7.4 M M	**INTP** N = 1 % = 3.7 F	INTROVERTS PERCEPTIVE
ESTP N = 0 % = 0.0	**ESFP** N = 2 % = 7.4 F F	**ENFP** N = 8 % = 29.6 M M M M M F F F	**ENTP** N = 2 % = 7.4 M M	EXTRAVERTS PERCEPTIVE
ESTJ N = 2 % = 7.4 M M	**ESFJ** N = 2 % = 7.4 M M	**ENFJ** N = 1 % = 3.7 F	**ENTJ** N = 1 % = 3.7 M	EXTRAVERTS JUDGING

ST	I--J	E	T
SF	I--P	I	F
NF	E--P	S	J
NT	E--J	N	P

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SOURCE OF DATA:

MBTI TYPE TABLE
Typology Laboratory
University of Florida

TABLE X

College B

SENSING TYPES		INTUITIVE TYPES			
with THINKING	with FEELING	with FEELING	with THINKING		
ISTJ N = 9 % = 22.5 M M M M M M M M M	**ISFJ** N = 4 % = 10 M M M M	**INFJ** N = 0 % = 0	**INTJ** N = 1 % = 2.5 M	JUDGING	INTROVERTS
ISTP N = 0 % = 0	**ISFP** N = 1 % = 2.5 M	**INFP** N = 3 % = 7.5 M M M	**INTP** N = 2 % = 5 M F	PERCEPTIVE	
ESTP N = 1 % = 2.5 M	**ESFP** N = 0 % = 0	**ENFP** N = 3 % = 7.5 M M M	**ENTP** N = 1 % = 2.5 M	PERCEPTIVE	EXTRAVERTS
ESTJ N = 8 % = 20 M M M M M M M M	**ESFJ** N = 1 % = 2.5 F	**ENFJ** N = 5 % = 12.5 M M M M M	**ENTJ** N = 1 % = 2.5 F	JUDGING	

ST
SF

NF
NT

I--J
I--P

E--P
E--J

E
I

S
N

T
F

J
P

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or more of the faculty members in a department for the department to be included in this phase of the study. Departments with less than five full-time faculty members were excluded from the study regardless of their response rates. The total number of respondents included in this data analysis came to 742, i.e., seventy-one department chairmen and 671 department faculty members.

Two questionnaires were developed, one for chairmen and the other for faculty members. You will recall that a major section of each of these instruments was comprised of forty-six activity statements. For each of these statements, the respondent was asked to describe his chairman's actual and ideal role behavior. The following forced-choice responses were used to depict the chairman's frequency of actual behavior: 1) Always 2) Usually 3) Sometimes 4) Rarely and 5) Never. Forced-choice responses used to record the chairman's ideal or expected role behavior included: 1) Absolutely Must 2) Preferably Should 3) May or May Not. 4) Preferably Should Not and 5) Absolutely Must Not. Data collected on the chairman's actual and ideal role behaviors were employed to measure department faculty and chairman role consensus in the department sample. A measure of department chairman conformity to his faculty's expectations was also constructed from these responses. Additional data collected on the questionnaires served as departmental measures of three departmental outcomes.

Prior to collecting the data, it was necessary to reduce the level of abstraction of the variables selected. For purposes of the research each chairman's administrative or management style (AS) was defined as the mean score of his department faculty members on eleven management style items. These items were adapted from Likert's "Profile of Organizations"[25] questionnaire with each item having a twenty-interval response scale. Consensus between the chairman and his faculty on the chairman's actual role behavior (Ma) was defined as a summary score of the square of the difference between the chairman's observation of his behavior and the mean actual behavior response of his department faculty over the forty-six activity statements. Chairman conformity to department faculty expectations (Cf) was defined as a summary score of the mean absolute differences between faculty expectations and faculty descriptions of the chairman's actual behavior on the same statements. Finally, a number of measures of "position influence" on the departments were developed. Each department faculty member was asked to indicate how much say or influence each of the following persons had on his department's decisions: 1) his chairman (CI) 2) his fellow faculty members (FI) and 3) his department's students (SI). Responses by faculty members to this question were weighted from 1 to 4, i.e., 1 = little or no influence to 4 = a great deal of influence. The amount of departmental influence exercised by any one person or group on a department was defined as the department faculty's mean response for that person or group.

The three department outcomes operationally defined in the study were: 1) the department faculty's evaluation of its chairman (EC) 2) the group cohesiveness of the department faculty (FC) and 3) the department faculty's satisfaction with the way their department faculty functioned (FS). The department faculty's evaluation index of its chairman (EC) was the faculty's mean response to five questions on faculty cohesiveness. The index of faculty satisfaction was the mean response of the department faculty to six satisfaction items on how their department functioned.

The Pearsonian correlation coefficient served as the measure of the relationship between the pairs of variables studied. This correlation technique required the assumption of interval data but did not require assumptions about the distribution of variables. The confidence level for statistically significant relationships among the chairman's role system variables was set at the .05 level. The null hypothesis tested was that there was no significant relationship between the role system variables identified and the three department outcome measures. A major limitation of the study is its reliance on simple correlation techniques between pairs of variables.

Research Findings

The results of the correlation analysis are presented in Table XI.

Table XI

CORRELATIONS OF SELECTED SYSTEM VARIABLES WITH DEPARTMENTAL OUTCOMES [1]

Variables	AS	Ma	CF	CI	FI	SI
EC	.77*	.59*	.82*	.48*	.38*	.33*
FC	.72*	.31*	.48*	.15	.44*	.38*
FS	.76*	.42*	.62*	.26*	.42*	.35*

---

[1] Interpretations of Symbols:

AS = Chairman's administrative style
Ma = Dept. faculty consensus on chairman's role behavior
CF = Chairman conformity to faculty expectations
CI = Chairman's influence on Dept. decisions
FI = Dept. faculty's influence on departmental decisions
SI = Dept. Students' influence on departmental decisions
EC = Department faculty evaluation of the chairman's performance
FC = Department faculty cohesiveness
FS = Dept. faculty satisfaction with the way their dept. functions

* Significant at .05 level.

Based on the study's findings, the null hypothesis was rejected. The significant positive correlations between the chairman's administrative style (AS) and the three departmental outcomes (EC, FC, and FS) led to the conclusion that community college departments with more democratic chairmen tend to be the same departments that have: 1) chairmen who receive higher faculty ratings 2) more cohesive faculty work groups and 3) faculties who express higher satisfactions regarding the way their departments function. These findings are in agreement with the research findings in four-year colleges and universities reported in earlier sections of this paper. In terms of an administrative or management theory, it would appear that a collegial pattern of government offers the most productive approach for community college department chairmen to follow in attempting to achieve high ratings from their department faculty.

The value of role consensus (Ma) in the chairman's department was demonstrated by the positive and significant correlations between this variable and the three department outcomes. Departments characterized by higher consensus between chairmen and their faculties tended to be those units with: 1) higher chairmen ratings 2) higher faculty cohesiveness and 3) higher faculty satisfaction. The data presented in Table XI also shows that departments with chairmen who conform more nearly to faculty role expectations tend to receive higher faculty ratings. Role consensus and conformity emerged from my research as important variables in terms of selected departmental outcomes. The findings suggest that a chairman may wish to seek greater amounts of consensus between himself and his faculty on his job responsibilities. Higher conformity by a chairman to his faculty's expectations would also appear to be a desirable goal for chairmen to follow in seeking faculty acceptance.

A number of organization studies have viewed the extent or amount of "control" in an organization as a key management variable. With the use of control and graph theory, Tannenbaum has demonstrated that there is a variable amount of influence or control in organizations.[26] An investigation of 685 faculty members in twelve liberal arts colleges showed that satisfaction was greatest in colleges having the highest total influence across all levels of the academic hierarchy.[27] The positive, and in all but one case significant, correlations (at the .05 level) in Table XI between the chairman's (CI) faculty's (FI), and students' (SI) influence indices and the study's three departmental outcomes (EC, FC, and SI) are in agreement with these previous research findings in other institutions. These last nine correlation coefficients suggest that the community college department chairman ought to adopt management practices that will provide for greater amounts of chairman, faculty and student influence in the department's decision making process. This research demonstrates that the "pattern of influence distribution" in community college departments has implications for the adjustment and welfare of department faculty members. The chairman who can increase the amount of faculty influence on departmental decisions is more likely to receive higher faculty ratings than the chairman who refuses to share his authority.

Implications

At a time when traditional patterns of academic government are being questioned and examined, it seems appropriate to explore some of the implications of this study. The correlations of the selected role system and departmental outcome variables reported herein provide the starting point for the development of a theory of administrative behavior for the community college department chairman. However, before a full-fledged theory of administrative behavior can be developed, it will be necessary to determine the causal relationships between a host of departmental input, system, and outcome variables. Multivariate analyses are highly recommended for future studies of the chairman's role. Also of high priority is the need for an investigation that would define the causal relationships between system variables and "departmental effectiveness outcomes." Such outcomes could be measures of 1) a department's products and services both in quantitative and qualitative terms 2) departmental resource exploitation or conservation and/or 3) departmental adaptive activities. Relationships ascertained in this type of study would contribute significantly to the further development of a theory of effective community college departmental administration.

VI. SUMMARY

In this short time with you I have reviewed what I consider to be four essential first level management principles for community college administrators. The four principles are as follows:

Principle 1. Effective first level management is achieved through the development of a sound conceptual framework for viewing departmental operations.

Principle 2. Effective first level management is achieved through the development of clearly defined managerial responsibility and authority.

Principle 3. Effective first level management requires a thorough understanding of one's self as well as the abilities and limitations of others.

Principle 4. Effective first level management is best accomplished through the use of shared leadership.

I have attempted to support each principle with research evidence from community college research and other sources. Finally, I have attempted to outline some specific ways that first level managers could implement these principles more fully in their departments.

At a time when traditional patterns of academic government and management are being questioned, it seems appropriate that we should be exploring alternative and improved approaches to first level management in community colleges at this time. John Corson has described the academic department as the "last bastion" of administration in our colleges and universities. It is my own belief that you should view your role as being the "first" bastion for effective college management. As community college campuses grow larger; and especially as urban college complexes multiply under central administrations, you will be the key manager in the continuing effort to maintain and raise faculty professional standards.

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23. Tables VII and VIII included with the permission of Dr. Mary McCaulley, Director, University of Florida's Typology Laboratory.

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SUMMARY OF PARTICIPANT FEEDBACK

by

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SUMMARY OF PARTICIPANT FEEDBACK

The following is a summary of the responses given by 19 of the participants to five pertinent questions that were asked after several parts of the conference had been completed:

1. What do you now understand as being your legal responsibility as a department chairman or dean or president for defining a faculty member's role?

In general, the responses indicated that it is particularly important to state specifically, upon hiring and in a legally defensible way, what a faculty member's role should be, the method of evaluation to be used in assessing the achievement of that role, and the range of acceptability in performance. Furthermore, general objectives should be broken down into more specific behavioral objectives and continual communication---both oral and written---about the progress being made should take place between the faculty member and appropriate position (e.g., department chairman or dean). Finally, these processes should involve the faculty member himself and should be consistent with the policies, procedures, and guidelines set down at various levels.

2. How do you do this?

The participants felt that the above stated responsibility (ies) could be met by explicitly stating, in oral and written form, with updating as necessary, clear objectives, roles, and expectations. The written form should be a confirmation of mutual oral agreements and be acknowledged formally with signatures of the parties involved. This process should provide frequent opportunity for feedback on the achievement of and progress toward meeting the stated objectives. Several participants saw the "Management by Objective" approach as an appropriate one to carry out this process. It was specifically expressed that these efforts be consistent with the established policies, procedures, and guidelines set down at various levels and an ongoing process from the time of interviewing, hiring, and issuing a written contract throughout the period of employment. Other aspects of the process which were seen as important were: keeping abreast of established policies, procedures, and guidelines as well as the law itself, maintaining complete files with up-to-date job descriptions, documenting carefully and frequently as appropriate and communicating explicitly and often with the encumbent.

3. What are the legal problems?

Those problems which were thought to be legal in nature include the following: acting in an arbitrary and capricious manner, executing evaluation and retention of faculty in a way that is not fair, honest, or unbiased relative to established standards; being held liable in cases of suit; not complying with statutes; and not providing for or assuring due process for individual faculty members.

4. What are the professional problems?

The problems which were thought to arise that were professional in nature include the following: using objectivity in measuring what is truly desired in an educational situation in terms of scholastic awareness, academic standards, etc.; preparing division chairmen for their responsibility; defining levels in a professional way; involving faculty in defining objectives; resolving questions revolving around academic freedom issues; gaining consensus; tempering "justice with mercy and remaining human, humane and ethical;" planning in a sound and logical way; developing faculty rather than being intolerant of those which are not immediate high achievers; preventing students from paying the consequences of problems of the faculty or administration; and developing and maintaining effective relationships with faculty, administration, and students.

5. Who has the major responsibility for the evaluation of a faculty member?

The range of responses was somewhat varied and the following indicates the responses as well as the frequencies at which they occurred:

RESPONSE	FREQUENCY
Division Chairman/Head	7
Supervisor	5
Academic Dean	2
Department Chairman	2
Board of Trustees	1
First Level Administrator	1
Individual Faculty Member (Herself/Himself)	1
TOTAL:	19

APPENDIX A

PARTICIPANTS

SOUTHEASTERN COMMUNITY COLLEGE
LEADERSHIP PROGRAM WORKSHOP
June 27, 1973

Robert Agrella
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Pima Community College
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